FEDERAL REGISTER

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TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 130—BOARDS OF SPECIAL INQUIRY

PART 150—ARREST AND DEPORTATION

FINGERPRINTING AND PHOTOGRAPHING ALIENS ARRESTED OR EXCLUDED UNDER THE IMMIGRATION LAWS

APRIL 12, 1948.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of March 11, 1948 (13 F. R. 1305) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) and in which there were stated in full the terms of proposed amendments of rules (8 CFR, Parts 130 and 150) relating to the fingerprinting and photographing of aliens arrested or excluded under the immigration laws. No representations concerning the proposal have been received.

The rules as stated below are hereby adopted and shall become effective on June 1, 1948. The provisions of the adopted rules are the same as those stated in the notice of proposed rule making.

1. Part 130, Chapter I, Title 8, Code of Federal Regulations, is amended by adding § 130.9 as follows:

§ 130.9 *Fingerprinting of excluded aliens; photographs.* Every alien 14 years of age or older who is excluded from admission to the United States by a board of special inquiry shall be fingerprinted unless during the preceding year he has been fingerprinted at an American consular office. Any alien so excluded, regardless of his age, shall be photographed if a photograph is required by the immigration officer in charge.

2. Section 150.4, Chapter I, Title 8, Code of Federal Regulations, is amended by adding paragraph (d) to that section as follows:

§ 150.4 *Execution of warrant of arrest.* * * *

(d) *Fingerprints; photographs.* Every alien 14 years of age or older who is arrested under a warrant of arrest in accordance with paragraph (a) of this section or § 150.10 (f) or § 150.11 (c), or without a warrant under the authority in § 60.28 of this chapter, shall be fingerprinted. Any alien so arrested, regardless of his age, shall be photographed if a photograph is required by the immigration officer in charge.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 32 (c) sec. 37 (a), 54 Stat. 674, 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 453, 458; 8 CFR 90.1, 12 F. R. 4781)

These rules are based on a determination that there is a need for a better means of recording the identity of aliens arrested or excluded under the immigration laws, and the purpose of these rules is to provide such means. The citation of the statutes on which these rules are based is included in the parenthetical citation shown above immediately following the adopted rules.

H. R. LANDON,
Acting Commissioner,
Immigration and Naturalization.

Approved: April 15, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-3500; Filed, Apr. 20, 1948; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

PART 40—AIR CARRIER OPERATING CERTIFICATION

CROSS REFERENCE: For statements of policy by the Administrator of Civil Aeronautics regarding § 40.291 *Air carrier operation skill,* see Chapter II, Part 910, *infra.*

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

CROSS REFERENCE: For statements of policy by the Administrator of Civil Aero-

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nautics regarding § 41.508 *Route operation proving flights*, see Chapter II, Part 910, *infra*.

CROSS REFERENCE: For statements of policy by the Administrator of Civil Aeronautics regarding § 41.509 *Aircraft proving tests*, see Chapter II, Part 910, *infra*.

PART 61—SCHEDULED AIR CARRIER RULES

CROSS REFERENCE: For statements of policy by the Administrator of Civil Aeronautics regarding § 61.791 *Air carrier aircraft proving period*, see Chapter II, Part 910, *infra*.

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 910—PROVING FLIGHTS AND TESTS FOR SCHEDULED AIR CARRIERS

Acting pursuant to authority vested in me by sections 205, 301, 308, and 604 of the Civil Aeronautics Act of 1938, as amended, and §§ 40.291, 41.508, 41.509, and 61.791 of the Civil Air Regulations, and acting in accordance with the re-

quirements of section 3 of the Administrative Procedure Act, I hereby adopt and publish Part 910, to read:

Sec.
910.1 Introduction.
910.2 Purpose.
910.3 Application.
910.4 Conduct.
910.5 Duration.
910.6 Conclusion.

AUTHORITY: §§ 910.1 to 910.6, inclusive, issued under 52 Stat. 973, 984, 986, 1010; 54 Stat. 1231, 1233–1235; 49 U. S. C. 401, 425, 451, 458, 554; 14 CFR 40.291, 41.503, 41.509, 61.791.

§ 910.1 *Introduction.* The Administrator has the responsibility for determining when route proving flights are necessary. When an air carrier believes that actual route proving flights are not required by the Civil Air Regulations, its officials must submit to the Civil Aeronautics Administration office handling the air carrier's operating certificate, a written request for elimination of such flights. The Administration will undertake an investigation, during which consideration will be given to (a) the nature of the operation to be conducted, and (b) the personnel, equipment, and facilities involved. After investigation, the air carrier will be advised by the Administration (1) that the proposed route modification is minor, and actual route proving flights are not essential to safety, or (2) that actual route proving flights will be required. (For example, a scheduled air carrier may have been granted a minor extension to an existing route, and the extension may be over an airway that is adequately implemented with conventional aids to air navigation. In many such instances, it might be obvious that the proposed operations could be conducted over such a route in accordance with existing safety standards, and in such cases the proving flights would serve no useful purpose.)

§ 910.2 *Purpose.* The purpose of route proving flights or aircraft proving tests is to determine the air carrier's ability to conduct the proposed operation in compliance with applicable provisions of the Civil Air Regulations and in accordance with the minimum safety requirements of the Civil Aeronautics Administration. In the case of route proving flights, such determination is predicated upon (a) the adequacy of the facilities provided by, or available to, the air carrier, including, but not limited to, aircraft, airports, lighting facilities, maintenance facilities, communication and navigation facilities, fueling facilities, and ground and aircraft radio facilities, and (b) the competency of the pilot, dispatcher, and other airmen or personnel.

§ 910.3 *Application.* At least 15 days (for domestic operations) or 30 days (for foreign operations) prior to the scheduling of route proving flights or aircraft proving tests, officials of the air carrier shall submit to the Civil Aeronautics Administration office handling its operations specifications, a written request for the assignment of Civil Aeronautics Administration personnel to observe the flights or tests. This request must be accompanied by an original application and copies of pertinent proposed amendments to the operations specifications, and must include sufficient data pertaining to the route or aircraft to satisfy the Administrator that the air carrier is prepared for the route proving flights or aircraft proving tests. This will allow sufficient time for making any necessary additions or corrections, thus preventing delays or misunderstandings.

§ 910.4 *Conduct.* After the air carrier has made all the necessary preparations to conduct the route proving flights or aircraft proving tests, duly designated representatives of the Civil Aeronautics Administration will be assigned to observe them. All route proving flights, or such portions of the aircraft proving tests as may be conducted under conditions of scheduled operation, shall be undertaken exactly as the operator intends to operate in scheduled air transportation when carrying passengers, property, or mail, or any combination thereof. However, passengers who are not essential to conducting the proving flights must not be carried during such flights. Air carrier personnel assigned to conduct the route proving flights or aircraft proving tests shall be regular crew members who, it is anticipated, will be assigned to the route or aircraft.

§ 910.5 *Duration.* Route proving flights shall continue until the air carrier has demonstrated to the satisfaction of the Administrator that it is competent to conduct a safe operation over the entire route to be flown in air transportation.

§ 910.6 *Conclusion.* On completion of the route proving flights or aircraft proving tests, a reasonable period of time will be required in order that the information gained during the flights can be compiled by the field office and submitted, with recommendations regarding approval, to appropriate supervisory personnel of the Civil Aeronautics Administration.

This part shall become effective upon publication in the FEDERAL REGISTER.

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 48-3487; Filed, Apr. 20, 1948; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5101]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALBERTY FOOD PRODUCTS, ETC.

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.71 (c 5) *Neglecting, unfairly or deceptively, to make material disclosure—Qualities or properties of product:* § 3.71 (e 5) *Neglecting, unfairly or deceptively, to make material disclosure—Scientific or relevant facts.* In connection with the offering for sale, sale, or distribution of respondents' products designated "Ri-Co Tablets"; "Alberty's Vitamin-Mineral Capsules"; "Alberty's Wheat Germ"; "Alberty's Ointment"; "Oxorin Tablets"; "Cap-Lone Tablets"; "Alberty High Potency B Complex"; "Alberty Wheat Germ Oil"; "Alberty Garlic and Vegetable Oil Perles"; "Vimol Tablets"; "Alberty's Vitamin A-Shark Liver Oil"; "Alberty's Vitamin B Complex"; "Alberty Phospho-B" (also known as "Phloxo-B") "Zen"; "Alberty's Sabinol"; and "Ad-a-Min Capsules" or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparations, which advertisements represent, directly or by implication, (a) that the preparation "Ri-Co Tablets" constitutes an adequate or competent treatment for arthritis, rheumatism, gout or "rheumatic gout"; or that said preparation will eliminate uric acid from the system (but subject to the provision, however, that "nothing herein" shall be construed as prohibiting the representation that according to the principles of the homeopathic school of medicine the preparation is of value in ameliorating the symptoms of muscular or ligamentous pain and stiffness due to arthritis or rheumatism, except when such symptoms are accompanied by a febrile condition) (b) that the preparation "Alberty's Ointment" is of therapeutic value in the treatment, either constitutional or local, of arthritis, rheumatism, gout or "rheumatic gout" or in the relief of pain, swelling, stiffness, or any other symptom incident to arthritis, rheumatism or gout; (c) that the preparation "Sabinol" is an adequate or competent treatment for diseases or ailments of the kidneys; that said preparation will flush the kidneys; that it possesses any therapeutic value in the treatment of circles about the eyes, dull aching feeling across the back, sharp pains in the kidneys, frequent urination during the night, spots before the eyes, swelling of the feet, ankles or lower limbs, puffiness about the eyes, or lack of vitality; or that it is an eliminant of uric acid from the system (but subject to the provision, however, that "nothing herein" shall be construed as prohibiting the representations that according to the principles of the homeopathic school of medicine (1) the preparation is of value in relieving the symptoms of pain or discomfort due to gravel or stone in the kidneys or to spasms of the ureters, or (2) there may be some elimination of uric acid from the system incident to the use of the preparation), (d) that the preparation "Oxorin Tablets" will have any therapeutic effect upon the blood or the red corpuscles thereof, except in cases of simple iron deficiency anemia; or that said preparation will relieve, correct, or have any beneficial effect upon the condition of lassitude characterized by such expressions as "weariness", "tiredness",

"weakness", "lack of energy" or "general run down condition" unless such representation be expressly limited to symptoms or conditions due to simple iron deficiency anemia and unless the advertisement reveals that the condition of lassitude is caused less frequently by simple iron deficiency anemia than by other causes and that in such cases this preparation will not be effective in relieving or correcting it; (e) that three tablets of the preparation "Zen" will provide an individual with 15 grains of iron, or with any amount of iron in excess of approximately 2½ grains; that said preparation is a dependable blood building tonic, or that it will be beneficial in any respect to the blood in excess of its value in the treatment of simple iron deficiency anemia, or that said preparation will be effective in the restoration of energy in those who lack it, unless such representation be expressly limited to cases of lack of energy due to simple iron deficiency anemia and unless the advertisement reveals that lack of energy is caused less frequently by simple iron deficiency anemia than by other causes and that in such cases this preparation will not be effective in relieving or correcting it; (f) that the preparation "Cap-Lone Tablets" constitutes a competent or effective treatment for or is of therapeutic value in the relief of pyorrhea or constipation; that said preparation will regulate the bowels or purify the blood; that it is beneficial to the skin, brain, nerves, stomach, intestines, or the glands of the body; or that it possesses any value as a restorative or tonic; (g) that the administration of the preparation "Cap-Lone Tablets" as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of the minerals calcium or phosphorus; or that such use of said preparation provides any benefits whatever in excess of serving as a dietary supplement in supplying quantities of the minerals calcium and phosphorus; (h) that the preparation "Garlic and Vegetable Oil Perles" aids in the digestion or absorption of food or acts as an "intestinal disinfectant"; that said preparation constitutes a competent or effective treatment for hypertension, high blood pressure, or any of the symptoms of hypertension; or that it possesses any therapeutic value in the treatment of dyspepsia or catarrhal affections of the digestive tract or other bowel inflammations in excess of a carminative effect when such conditions result in gas or distention due thereto (subject to the provision, however, that nothing herein shall be construed as prohibiting the representation that according to the principles of the homeopathic school of medicine said preparation possesses laxative properties due to its action on the mucous membranes of the digestive tract, resulting in increased peristalsis); (i) that the preparation "Vitamin A Shark Liver Oil" will (1) benefit the conditions of sterility, eczema, or inflamed membranes of the nose, throat, lungs or the urinary or reproductive organs; (2) be of therapeutic value in the treatment or prevention of kidney stones; (3) aid or benefit the liver, kidneys, nerves or glandular system; (4) avert or benefit the conditions, in children, of susceptibility to colds, children's diseases, poor eyesight, or the delay in or impairment of healthy development of teeth and bones; (5) benefit the conditions of dry skin, skin eruptions on the body, or inflamed membranes of the eye, unless such representation be expressly limited to cases in which such conditions are caused by a deficiency of Vitamin A, (6) afford any relief from "eye strain" or susceptibility of the eyes to fatigue, unless such representation be expressly limited to "eye strain" or susceptibility of the eyes to fatigue associated with the condition of "night blindness" caused by a deficiency of Vitamin A, (7) increase vigor or vitality, or give a feeling of well being, or aid the skin or eyes, unless such representation be expressly limited to cases in which vigor, vitality or well being has been impaired by a deficiency of Vitamin A or in which the condition or functioning of the skin or eyes is a sign or manifestation of a deficiency of Vitamin A, (8) supply energy to children, unless such representation be expressly limited to cases of lack of energy caused by a deficiency of Vitamin A and unless the advertisement reveals that the lack of energy in children is caused less frequently by a deficiency of Vitamin A than by other causes and that in such cases this preparation will not be effective in relieving or correcting it; (j) that the following symptoms or conditions, or any of them, are attributable to a deficiency of Vitamin A, or that said symptoms or conditions will be benefited by the use of Vitamin A. dry skin (except serosis) common eruptions on the skin such as pimples, boils, and blackheads, "eye strain" or susceptibility of the eyes to fatigue, (except insofar as those conditions may be associated with "night blindness") sterility, eczema, inflamed membranes of the nose, throat, lungs or urinary or reproductive organs, kidney stones, the improper or inadequate functioning of the liver, kidneys, nerves, or glandular system, and, in children, susceptibility to colds, children's diseases, poor eyesight, and delay in or impairment of healthy development of teeth or bones; (k) that the preparation "Alberty's Phospho B" or "Phloxo B" possesses any therapeutic value in the treatment of excitability, upset feeling, or poor memory; or that said preparation possesses any therapeutic value in the treatment of sleeplessness, nervousness, irritability or sensitiveness, unless such representation be expressly limited to claims of value made for the preparation under the principles of the homeopathic school of medicine in the treatment of sleeplessness, nervousness, irritability or sensitiveness in cases in which these symptoms are due to anemia or asthenia and unless the advertisement reveals that said symptoms are frequently due to causes other than anemia or asthenia; (l) that the administration of the preparation "Alberty's Phospho B" or "Phloxo B" as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of Vitamin B_1 in the human body; or that such use of said preparation provides any benefits whatever in excess of the value claimed for it under the principles of homeopathy in the treatment of the symptoms of anemia and asthenia and its value in averting the development of a deficiency of Vitamin B_1, (m) that the preparations "Alberty's Vitamin B Complex", "Alberty's High Potency B Complex" and "Vimol", or any of them (1) are beneficial to persons whose thyroid glands are over active; (2) will relax the nerves or induce sleep; (3) will avert or postpone old age or its consequences; (4) will "tone" the muscles or restore vitality; (5) will assure the user of proper digestion, sound nerves, good intestinal activity, or regular bowel movements; (6) will protect one against nervous fatigue or exhaustion due to overwork, worry, mental strain, acidosis, chronic diseases, sexual excesses or improper functioning of the ductless glands, or other causes; (7) constitute remedies or competent or effective treatments for nervousness, excitability, insomnia, arthritis, neuritis, gastro-intestinal troubles, constipation, piles, vomiting in pregnancy, improper lactation in nursing mothers, retarded growth in children, pellagra, diabetes, anemia, nervous disorders, absence of appetite, or alcoholic polyneuritis; or (8) possess significant tonic properties; (n) that the administration of the preparations "Alberty's Vitamin B Complex", "Alberty's High Potency B Complex", or "Vimol" as prescribed by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of one or more components of the Vitamin B complex in the human body; or that such use of any of said preparations will provide any benefits whatever in excess of the following, (1) that "Alberty's Vitamin B Complex" will avert the development of a deficiency of Vitamin B_1 and will serve as a dietary supplement in supplying quantities of Vitamin B_2, (2) that "Alberty's High Potency B Complex" will avert the development of a deficiency of Vitamins B_1 and B_2, (3) that "Vimol" will serve as a dietary supplement in supplying quantities of Vitamin B_1, (o) that the following symptoms or conditions, or any of them, are attributable to a deficiency of Vitamin B, or that said symptoms or conditions will be benefited by the use of Vitamin B: failure of the brain to function efficiently, arthritis, neuritis, except polyneuritis, hemorrhoids and premature old age; (p) that the Vitamin B complex is familiarly or appropriately referred to as the "Youth Vitamin" or the "Modern Tonic Vitamin"; (q) that the preparations "Alberty's Vitamin-Mineral Capsules" and "Ad-a-Min" Capsules" or either of them, will, (1) assure the user of abounding health or vigor, or increase resistance to disease; (2) avert pellagra, cataracts or skin diseases; (3) enable barren women to conceive; (4) improve the functioning of the liver, kidneys, nerves, glandular system, muscles or intestines; (5) benefit the skin or teeth of adults or aid in the treatment of gingivitis; or (6) improve the metabolism of the body; (r) that the administration of the preparations "Alberty's

Vitamin-Mineral Capsules" or "Ad-a-Min Capsules" as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of any of the Vitamins A, B_1, C, D or G, in the human body; or that such use of either of said preparations will provide any benefits whatever in excess of the following, (1) that "Alberty's Vitamin-Mineral Capsules" will avert the development of a deficiency of Vitamin D and will serve as a dietary supplement in supplying quantities of Vitamins A, B_1, C and G and the minerals iron, calcium, phosphorus and iodine; (2) that "Ad-a-Min Capsules" will avert the development of a deficiency of Vitamins A and D and will serve as a dietary supplement in supplying quantities of Vitamins B_1, C and G and the minerals iron, calcium, phosphorus and iodine; (s) that the preparations "Alberty's Wheat Germ" and "Alberty's Wheat Germ Oil" or either of them, will promote mental alertness, improve the memory, stimulate sex desire, increase reproductive power, increase the size or firmness of the testicles, increase vigor or muscular tone, prevent miscarriages, render barren women fertile, or provide a cure for acne vulgaris; (t) that Vitamin E is recognized or appropriately referred to as the "Reproduction Vitamin" "Master Vitamin" or the "Vitamin of General Fitness"; (u) that all persons will be benefited, physically or mentally, by taking all or any of respondents' aforesaid preparations; or, (v) that it is necessary for a person to receive daily adequate amounts of essential nutritional elements; or which advertisements fail to comply with the affirmative requirements set forth in prohibitions (d) (e) (i) and (k) prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Alberty Food Products, etc., Docket 5101, February 4, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 4th day of February A. D. 1948.

In the Matter of Ada J. Alberty, Helen M. Alberty Hackworth, Florence M. Alberty St. Clair Harry R. Alberty, Margaret M. Alberty Quinn, and Kenneth Hackworth, Co-partners Trading Under the Names of Alberty Food Products, The Alberty Food Products, Alberty Products, Alberty Products Sales Co., The Cap-Lone Co., and Cheno Products

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent Ada J. Alberty, and a stipulation as to the facts entered into by and between Ada J. Alberty, Helen M. Alberty Hackworth, Florence M. Alberty St. Clair, Harry R. Alberty, Margaret M. Alberty Quinn and Kenneth Hackworth, and Daniel J. Murphy, Assistant Chief Trial Counsel for the Commission, which stipulation provides, among other things, that the statement of facts contained therein may be taken as the facts in this proceeding and that the Commission may make its report, stating its findings as to the facts, including inferences which it may draw from the stipulated facts, and its conclusion based thereon, and enter its order disposing of the proceeding without further evidence or other intervening procedure (the filing of a report or recommended decision by the trial examiner and the filing of briefs and presentation of oral argument having been expressly waived), and in which stipulation the aforesaid parties specifically waive the non-joinder in the complaint of Helen M. Alberty Hackworth, Florence M. Alberty St. Clair, Harry R. Alberty, Margaret M. Alberty Quinn and Kenneth Hackworth as parties respondent, and expressly agree that said complaint shall be deemed as amended to charge all of them as respondents with respect to the acts and practices set forth therein, and in which said parties other than Ada J. Alberty waive service of the complaint upon them and waive their right to file answers thereto; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Ada J. Alberty, Helen M. Alberty Hackworth, Florence M. Alberty St. Clair, Harry R. Alberty, Margaret M. Alberty Quinn and Kenneth Hackworth, individually and trading under the names Alberty Food Products, The Alberty Food Products, Alberty Products, Alberty Products Sales Co., The Cap-Lone Co., and Cheno Products, or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondent's products designated "Ri-Co Tablets"; "Alberty's Vitamin-Mineral Capsules"; "Alberty's Wheat Germ"; "Alberty's Ointment"; "Oxorin Tablets"; "Cap-Lone Tablets"; "Alberty High Potency B Complex"; "Alberty Wheat Germ Oil"; "Alberty Garlic and Vegetable Oil Perles"; "Vimol Tablets"; "Alberty's Vitamin A-Shark Liver Oil"; "Alberty's Vitamin B Complex"; "Alberty Phospho-B" (also known as "Phloxo-B"), "Zen"; "Alberty's Sabinol"; and "Ad-a-Min Capsules", or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the preparation "Ri-Co Tablets" constitutes an adequate or competent treatment for arthritis, rheumatism, gout or "rheumatic gout"; or that said preparation will eliminate uric acid from the system: *Provided, however,* That nothing herein shall be construed as prohibiting the representation that according to the principles of the homeopathic school of medicine the preparation is of value in ameliorating the symptoms of muscular or ligamentous pain and stiffness due to arthritis or rheumatism, except when such symptoms are accompanied by a febrile condition.

(b) That the preparation "Alberty's Ointment" is of therapeutic value in the treatment, either constitutional or local, of arthritis, rheumatism, gout or "rheumatic gout" or in the relief of pain, swelling, stiffness, or any other symptom incident to arthritis, rheumatism or gout.

(c) That the preparation "Sabinol" is an adequate or competent treatment for diseases or ailments of the kidneys; that said preparation will flush the kidneys; that it possesses any therapeutic value in the treatment of circles about the eyes, dull aching feeling across the back, sharp pains in the kidneys, frequent urination during the night, spots before the eyes, swelling of the feet, ankles or lower limbs, puffiness about the eyes, or lack of vitality; or that it is an eliminant of uric acid from the system; *Provided, however,* That nothing herein shall be construed as prohibiting the representations that according to the principles of the homeopathic school of medicine (1) the preparation is of value in relieving the symptoms of pain or discomfort due to gravel or stone in the kidneys or to spasms of the ureters, or (2) there may be some elimination of uric acid from the system incident to the use of the preparation.

(d) That the preparation "Oxorin Tablets" will have any therapeutic effect upon the blood or the red corpuscles thereof, except in cases of simple iron deficiency anemia; or that said preparation will relieve, correct, or have any beneficial effect upon the condition of lassitude characterized by such expressions as "weariness" "tiredness" "weakness" "lack of energy" or "general run down condition" unles such representation be expressly limited to symptoms or conditions due to simple iron deficiency anemia and unless the advertisement reveals that the condition of lassitude is caused less frequently by simple iron deficiency anemia than by other causes and that in such cases this preparation will not be effective in relieving or correcting it.

(e) That three tablets of the preparation "Zen" will provide an individual with 15 grains of iron, or with any amount of iron in excess of approximately 2½ grains; that said preparation is a dependable blood building tonic, or that it will be beneficial in any respect to the blood in excess of its value in the treatment of simple iron deficiency anemia; or that said preparation will be effective in the restoration of energy in those who lack it, unless such representation be expressly limited to cases of lack of energy due to simple iron deficiency anemia and unless the advertisement reveals that lack of energy is caused less frequently by simple iron deficiency anemia than by other causes and that in such cases this preparation will not be effective in relieving or correcting it.

(f) That the preparation "Cap-Lone Tablets" constitutes a competent or effective treatment for or is of therapeutic value in the relief of pyorrhea or constipation; that said preparation will regulate the bowels or purify the blood; that it is beneficial to the skin, brain,

nerves, stomach, intestines, or the glands of the body; or that it possesses any value as a restorative or tonic.

(g) That the administration of the preparation "Cap-Lone Tablets," as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of the minerals calcium or phosphorus; or that such use of said preparation provides any benefits whatever in excess of serving as a dietary supplement in supplying quantities of the minerals calcium and phosphorus.

(h) That the preparation "Garlic and Vegetable Oil Perles" aids in the digestion or absorption of food or acts as an "intestinal disinfectant"; that said preparation constitutes a competent or effective treatment for hypertension, high blood pressure, or any of the symptoms of hypertension; or that it possesses any therapeutic value in the treatment of dyspepsia or catarrhal affections of the digestive tract or other bowel inflammations in excess of a carminative effect when such conditions result in gas or distention due thereto; *Provided, however* That nothing herein shall be construed as prohibiting the representation that according to to the principles of the homeopathic school of medicine said preparation possesses laxative properties due to its action on the mucous membranes of the digestive tract, resulting in increased peristalsis.

(i) That the preparation "Vitamin A Shark Liver Oil" will:

1. Benefit the conditions of sterility, eczema or inflamed membranes of the nose, throat, lungs or the urinary or reproductive organs;

2. Be of therapeutic value in the treatment or prevention of kidney stones;

3. Aid or benefit the liver, kidneys, nerves or glandular system;

4. Avert or benefit the conditions, in children, of susceptibility to colds, children's diseases, poor eyesight, or the delay in or impairment of healthy development of teeth and bones;

5. Benefit the conditions of dry skin, skin eruptions on the body, or inflamed membranes of the eye, unless such representation be expressly limited to cases in which such conditions are caused by a deficiency of Vitamin A,

6. Afford any relief from "eye strain" or susceptibility of the eyes to fatigue, unless such representation be expressly limited to "eye strain" or susceptibility of the eyes to fatigue associated with the condition of "night blindness" caused by a deficiency of Vitamin A,

7. Increase vigor or vitality, or give a feeling of well being, or aid the skin or eyes, unless such representation be expressly limited to cases in which vigor, vitality or well being has been impaired by a deficiency of Vitamin A or in which the condition or functioning of the skin or eyes is a sign or manifestation of a deficiency of Vitamin A,

8. Supply energy to children, unless such representation be expressly limited to cases of lack of energy caused by a deficiency of Vitamin A and unless the advertisement reveals that the lack of energy in children is caused less frequently by a deficiency of Vitamin A than by other causes and that in such cases this preparation will not be effective in relieving or correcting it.

(j) That the following symptoms or conditions, or any of them, are attributable to a deficiency of Vitamin A, or that said symptoms or conditions will be benefited by the use of Vitamin A. dry skin (except zerosis) common eruptions on the skin such as pimples, boils, and blackheads, "eye strain" or susceptibility of the eyes to fatigue, (except insofar as those conditions may be associated with "night blindness") sterility, eczema, inflamed membranes of the nose, throat, lungs or urinary or reproductive organs, kidney stones, the improper or inadequate functioning of the liver, kidneys, nerves, or glandular system, and, in children, susceptibility to colds, children's diseases, poor eyesight, and delay in or impairment of healthy development of teeth or bones.

(k) That the preparation "Alberty's Phospho B" or "Phloxo B" possesses any threapeutic value in the treatment of excitability, upset feeling, or poor memory; or that said preparation possesses any therapeutic value in the treatment of sleeplessness, nervousness, irritability or sensitiveness, unless such representation be expressly limited to claims of value made for the preparation under the principles of the homeopathic school of medicine in the treatment of sleeplessness, nervousness, irritability or sensitiveness in cases in which these symptoms are due to anemia or asthenia and unless the advertisement reveals that said symptoms are frequently due to causes other than anemia or asthenia.

(l) That the administration of the preparation "Alberty's Phospho B" or "Phloxo B" as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of Vitamin B_1 in the human body; or that such use of said preparation provides any benefits whatever in excess of the value claimed for it under the principles of homeopathy in the treatment of the symptoms of anemia and asthenia and its value in averting the development of a deficiency of Vitamin B_1.

(m) That the preparations "Alberty's Vitamin B Complex" "Alberty's High Potency B Complex" and "Vimol" or any of them:

1. Are beneficial to persons whose thyroid glands are over active;

2. Will relax the nerves or induce sleep;

3. Will avert or postpone old age or its consequences;

4. Will "tone" the muscles or restore vitality;

5. Will assure the user of proper digestion, sound nerves, good intestinal activity, or regular bowel movements;

6. Will protect one against nervous fatigue or exhaustion due to overwork, worry, mental strain, acidosis, chronic diseases, sexual excesses or improper functioning of the ductless glands, or other causes;

7. Constitute remedies or competent or effective treatments for nervousness, excitability, insomnia, arthritis, neuritis, gastro-intestinal troubles, constipation, piles, vomiting in pregnancy, improper lactation in nursing mothers, retarded growth in children, pellagra, diabetes, anemia, nervous disorders, absence of appetite, or alcoholic polyneuritis; or

8. Possess significant tonic properties.

(n) That the administration of the preparations "Alberty's Vitamin B Complex", "Alberty's High Potency B Complex", or "Vimol" as prescribed by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of one or more components of the Vitamin B complex in the human body; or that such use of any of said preparations will provide any benefits whatever in excess of the following:

1. That "Alberty's Vitamin B Complex" will avert the development of a deficiency of Vitamin B_1 and will serve as a dietary supplement in supplying quantities of Vitamin B_2,

2. That "Alberty's High Potency B Complex" will avert the development of a deficiency of Vitamins B_1 and B_2,

3. That "Vimol" will serve as a dietary supplement in supplying quantities of Vitamin B_1.

(o) That the following symptoms or conditions, or any of them, are attributable to a deficiency of Vitamin B, or that said symptoms or conditions will be benefited by the use of Vitamin B: failure of the brain to function efficiently, arthritis, neuritis, except polyneuritis, hemorrhoids and premature old age.

(p) That the Vitamin B complex is familiarly or appropriately referred to as the "Youth Vitamin" or the "Modern Tonic Vitamin"

(q) That the preparations "Alberty's Vitamin-Mineral Capsules" and "Ad-a-Min Capsules" or either of them, will:

1. Assure the user of abounding health or vigor, or increase resistance to disease;

2. Avert pellagra, cataracts or skin diseases;

3. Enable barren women to conceive;

4. Improve the functioning of the liver, kidneys, nerves, glandular system, muscles or intestines;

5. Benefit the skin or teeth of adults or aid in the treatment of gingivitis; or

6. Improve the metabolism of the body.

(r) That the administration of the preparations "Alberty's Vitamin-Mineral Capsules" or "Ad-a-Min Capsules", as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of any of the Vitamins A, B_1, C, D or G, in the human body; or that such use of either of said preparations will provide any benefits whatever in excess of the following:

1. That "Alberty's Vitamin-Mineral Capsules" will avert the development of a deficiency of Vitamin D and will serve as a dietary supplement in supplying quantities of Vitamins A, B_1, C and G and the minerals iron, calcium, phosphorus and iodine.

2. That "Ad-a-Min Capsules" will avert the development of a deficiency of

Vitamins A and D and will serve as a dietary supplement in supplying quantities of Vitamins B_1, C and G and the minerals iron, calcium, phosphorus and iodine.

(s) That the preparations "Alberty's Wheat Germ" and "Alberty's Wheat Germ Oil" or either of them, will promote mental alertness, improve the memory, stimulate sex desire, increase reproductive power, increase the size or firmness of the testicles, increase vigor or muscular tone, prevent miscarriages, render barren women fertile, or provide a cure for acne vulgaris.

(t) That Vitamin E is recognized or appropriately referred to as the "Reproduction Vitamin", "Master Vitamin" or the "Vitamin of General Fitness"

(u) That all persons will be benefited, physically or mentally, by taking all or any of respondents' aforesaid preparations.

(v) That it is necessary for a person to receive daily adequate amounts of essential nutritional elements.

2. Disseminating or causing to be disseminated any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisement contains any of the representations prohibited in paragraph 1 hereof or which fails to comply with the affirmative requirements set forth in subparagraphs (d) (e) (i) and (k) of paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-3502; Filed, Apr. 20, 1948; 8:52 a. m.]

[Docket No. 5207]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LYONS AND CO.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.96 (a) *Using misleading name—Goods—Qualities or properties.* In connection with the offering for sale, sale and distribution in commerce, of KIWI Shoe Polish, or any other product of substantially similar composition or possessing substantially similar properties, (1) using on the containers of said product or in advertisements or on circulars, leaflets or other literature, the word "waterproof" or any other word which represents that respondents' product is capable of rendering shoes impervious to water; or, (2) representing by any means or in any manner that said product, when applied to shoes, will make them waterproof; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Lyons and Company, Docket 5207, February 26, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 26th day of February A. D. 1948.

In the Matter of Mervin E. Lyons, Clarence B. Lyons, and Ida A. Lyons, Copartners Trading and Doing Business as Lyons and Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' amended answer thereto, testimony and other evidence in support of and in opposition to the complaint taken before a trial examiner of the Commission theretofore duly designated by it, the recommended decision of the trial examiner and respondents' exceptions to such recommended decision, briefs in support of and in opposition to the allegations of the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Mervin E. Lyons and Clarence B. Lyons, individually and as copartners trading and doing business under the firm name of Lyons and Company, or trading under any other name or designation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of KIWI Shoe Polish, or any other product of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

1. Using on the containers of said product or in advertisements or on circulars, leaflets or other literature, the word "waterproof" or any other word which represents that respondents' product is capable of rendering shoes impervious to water.

2. Representing by any means or in any manner that said product, when applied to shoes, will make them waterproof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the complaint be, and it hereby is, dismissed as to the respondent Ida A. Lyons, now deceased.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-3501; Filed, Apr. 20, 1948; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51631]

PART 14—APPRAISEMENT

PART 16—LIQUIDATION OF DUTIES

CONVERSION OF FOREIGN CURRENCY

Conversion of foreign currencies for which two or more rates of exchange have been certified by the Federal Reserve Bank of New York; §§ 14.3 and 16.4, Customs Regulations of 1943, amended.

1. Section 14.3, Customs Regulations of 1943 (19 CFR, Cum. Supp., 14.3) is hereby amended by adding a new paragraph (j) reading as follows:

§ 14.3 *Appraisement of merchandise; determination of value.* * * *

(j) Instructions for appraisement of merchandise in cases involving the conversion of foreign currencies for which two or more rates of exchange have been certified by the Federal Reserve Bank of New York are contained in the Treasury decisions listed in § 16.4 (c) of this chapter (19 CFR, Cum. Supp., 16.4 (c)).

(Sec. 402, 46 Stat. 703, sec. 8, 52 Stat. 1031, secs. 488, 500, 624, 46 Stat. 725, 729, 759; 19 U. S. C. 1402, 1488, 1500, 1624)

2. Section 16.4, Customs Regulations of 1943 (19 CFR, Cum. Supp., 16.4, is hereby amended by adding a new paragraph (c) reading as follows:

§ 16.4 *Conversion of currency.* * * *

(c) Instructions for the conversion of foreign currencies for which two or more rates have been certified by the Federal Reserve Bank of New York are contained in the following Treasury decisions:

Currency and Treasury Decisions

Brazilian cruzeiro: 51283, July 24, 1945, 10 F. R. 9339; 51310, Sept. 12, 1945, 10 F. R. 11815; 51341, Nov. 6, 1945, 10 F. R. 13757; 51500, July 26, 1945, 11 F. R. 8232.

Swiss franc: 51393, Jan. 23, 1946, 11 F. R. 1403; 51514, Aug. 14, 1946, 11 F. R. 8370.

(R. S. 251, secs. 505, 624, 46 Stat. 732, 759, sec. 522, 46 Stat. 739; 19 U. S. C. 66, 1505, 1624, 31 U. S. C. 372)

[SEAL] FRANK DOW, *Acting Commissioner of Customs.*

Approved: April 1, 1948.

A. L. M. WIGGINS, *Acting Secretary of the Treasury.*

[F. R. Doc. 48-3503; Filed, Apr. 20, 1948; 8:53 a. m.]

[T. D. 51632]

PART 16—LIQUIDATION OF DUTIES

INSTRUCTIONS FOR CONVERSION OF ITALIAN LIRE FOR ASSESSMENT OF DUTY ON MERCHANDISE IMPORTED INTO UNITED STATES

Reference is made to cases in which appraisement has been withheld and liquidation has been suspended pending the determination of the proper rate or

rates for the Iranian rial for customs purposes.

For the period beginning December 21, 1939, and ending September 26, 1941, the Federal Reserve Bank of New York certified four rates for the Iranian rial, designated as "Official" "First Category Goods" "Second Category Goods" and "Third Category Goods" for all dates of exportation for which its certification was requested for customs purposes.

For the period beginning March 21, 1946, and continuing to date the Federal Reserve Bank of New York has advised the Treasury Department that it will certify two rates, one designated as "Official" and the other as "Free" for all dates of exportation for which its certification is requested for customs purposes.

With regard to the earlier period for which more than one rate was certified, it appears from available information that, under the Iranian Exchange Control Act of March 1, 1936, subsequent amendments thereto, and various decrees of the Council of Ministers of Iran, the purchase and sale of foreign exchange and all transactions relating thereto could be effected only through authorized banks at rates quoted by the Banque Mellie Iran. It is understood that the authorized banks were the National Bank of Iran (Banque Mellie Iran) and the Imperial Bank of Iran. On December 21, 1939, the official buying rate was fixed at 17 rials per United States dollar ($0.058823 per rial) All foreign exchange derived from exports from Iran were required to be sold to an authorized bank, and in the case of dollar exchange derived from exports to the United States, such exchange was required to be sold at the official buying rate.

Under the laws and decrees referred to all goods available for export from Iran (with the exception of products of the Anglo-Iranian Oil Company, Limited, and of the Caspian Sea Fisheries which received special concessions) were divided into various categories, known as First, Second, and Third Categories. First Category Goods were those goods the export of which constituted a monopoly of the government itself or for which the exclusive export rights had been vested by the government in a particular company or firm. Second Category Goods were all exportable goods not falling within the first or third categories, except gum tragacanth and carpets which received special treatment as hereinafter explained. The Third Category, it is believed, included the bulk of the products in Iran's export trade to the United States.

The different exchange rates applicable to exports from Iran were, in effect, increased amounts of rials paid upon the surrender of dollar exchange dependent upon the category of the goods exported. When goods were exported from Iran, the exporter received a "certificate of export" detailing the nature of the goods exported and he was required to sign an undertaking thereon that the foreign exchange to be derived from his export would be surrendered to one of the authorized banks. In the case of Second and Third Category Goods, in addition to the certificate described above, the exporter received a further certificate entitled "certificate of purchase of exchange" at the time his exchange was surrendered to the bank. This certificate is in the amount of 50 per cent of the foreign exchange sold, in the case of Second Category Goods and in the amount of 100 per cent of the foreign exchange derived from the export of Third Category Goods.

Upon the surrender to the bank of the foreign exchange obtained in payment of his export (which in the case of exports to the United States would be United States dollars) the exporter received 17 rials (corresponding to the "Official" rate) for each dollar. In addition he might surrender his certificate of export for rials at the "Official" rate for 10 per cent of the value of his export as shown on the certificate, amounting to an additional 1.7 rials per dollar.

If his export consisted of Second Category Goods, the exporter received 17 rials per dollar, plus 1.7 rials per dollar as in the case of First Category Goods, and he also received a "certificate of purchase of exchange" as described above, for 50 per cent of the exchange sold to the bank. That certificate was transferable and when sold to importers, enabled them to acquire dollars to pay for imports into Iran. That certificate thus commanded a premium and sold at varying rates generally around 28 rials per dollar credit of the certificate. The total thus realized for each dollar of exchange applicable to Second Category Goods was 17 rials (official rate), plus 1.7 rials (export certificate) plus one-half of 28 rials (exchange certificate) or 32.7 rials per dollar.

If the export consisted of Third Category Goods, the exporter received identical return except that the "certificate of purchase of exchange" gave credit for 100 per cent of the foreign exchange sold. Thus the exporter received 17 rials (Official) plus 1.7 rials (export certificate), plus 28 rials (exchange certificate) or a total of 46.7 rials for each dollar surrendered.

The rates certified by the Federal Reserve Bank of New York during the early period under consideration corresponded to the "Official" rate and the rates for the three categories of goods described. At least two commodities, namely gum tragacanth and carpets, were subject to special treatment and the foreign exchange (United States dollars) derived from the exportation of these commodities was not surrendered at any of the rates described as corresponding to rates certified by the Federal Reserve Bank of New York. Exporters of gum tragacanth received approximately 20.4 rials to the dollar, and exporters of carpets received approximately 23.80 rials per dollar and, therefore, the nearest certified rate above the amount of United States currency per rial received by exporters of each of those commodities was the rate for First Category Goods.

With regard to the present period for which dual rates are being certified by the Federal Reserve Bank of New York, it appears from available information that by amendments to the Iranian exchange regulations effective March 21, 1946, the foreign exchange proceeds of exports must be sold to authorized banks, which are permitted without formality to resell to the original seller within 2 months, 90 per cent of the foreign exchange originally surrendered. The original seller may use the exchange so purchased for the purpose of paying for importations into Iran of various specified goods, or he may transfer his right of repurchase to a third party for the same purpose. Upon transfer of the right to repurchase, the original holder (seller) of the exchange realizes a rate of exchange more favorable than the official rate.

The "Official" rate certified by the Federal Reserve Bank of New York for dates of exportation beginning March 21, 1946, corresponds to the rate at which the authorized banks in Iran originally pay for the foreign exchange surrendered. The "Free" rate certified corresponds to the daily average rate at which settlement is made for 90 per cent of the foreign currency proceeds of exports (in the case of exports to the United States this would mean United States dollars) which is resold to the original seller and transferred to other Iranian accounts.

In the case of any importation of merchandise exported from Iran between December 21, 1939, and September 26, 1941, both inclusive, the appraiser and collector shall proceed, respectively, with appraisement and liquidation according to the following procedure, provided the requirements outlined below are complied with:

1. No rate of exchange shall be used for customs purposes under these instructions except a rate certified by the Federal Reserve Bank of New York for the date of exportation of the merchandise unless there is a proclaimed value for that date which varies by less than 5 percent from the certified rate determined to be applicable to that merchandise in accordance with the number paragraphs next below, in which case that proclaimed value shall be used as to that merchandise.

2. Where the appraisement is made in Iranian currency the appraiser shall designate in his report to the collector the class of currency in which appraisement is made by using the terms applied to the currency of Iran by the Federal Reserve Bank of New York, namely, "Official" rials, "First Category Goods", "Second Category Goods" or "Third Category Goods", as the case may be.

3. For all purposes of appraisement and assessment of duties, the amount of any value established in rials for Iranian merchandise shall be considered to be in the class of currency, designated in the certifications of the Federal Reserve Bank of New York, in which, on the date of exportation of the particular merchandise, exchange of payment would be made under the exchange control decrees and regulations of the Iranian Government, as established to the satisfaction of the appraiser or collector, as the case may be, from information in his own files, information obtained and presented to him by the importer, or information obtained from other sources, and the rate certified for the class of currency in which such value has been established shall be used; except that:

(a) If the appraiser or collector has credible information that the type of rate which would otherwise be applicable under this paragraph was not used uniformly during any period in connection with the payment for the particular merchandise on which duty is being assessed and all other merchandise of the same type, appraisement shall be withheld and liquidation shall be suspended as to all merchandise of the type involved exported to the United States during the period involved,

(b) If the appraiser or collector has credible information that any imported merchandise is a product of the Anglo-Iranian Oil Company, Limited, or of the Caspian Sea Fisheries, appraisement shall be withheld and liquidation shall be suspended as to all merchandise of the type involved, during the period involved, or

(c) If the merchandise consists of carpets or gum-tragacanth, any value to be established in rials shall be expressed in the class of currency designated "First Category Goods" and the certified rate for "First Category Goods" shall be used.

Whenever appraisement is withheld or liquidation suspended a detailed report shall be transmitted immediately to the Bureau of Customs.

In the case of any importation of merchandise exported from Iran on or after March 21, 1946, the appraiser and collector shall proceed, respectively, with appraisement and liquidation according to the following procedure, subject to the requirements and conditions outlined below:

1. No rate of exchange shall be used for customs purposes under these instructions except a rate or rates certified by the Federal Reserve Bank of New York for the date of exportation of the merchandise, unless there is a proclaimed value for that date which varies by less than 5 percent from any certified rate determined to be applicable to that merchandise in accordance with the numbered paragraphs below. If there is such a proclaimed value, it shall be used in lieu of any certified rate otherwise applicable from which such proclaimed value varies by less than 5 percent.

2. Where the appraisement is to be made in Iranian currency the appraiser shall designate in his report to the collector the class or classes of currency in which appraisement is made by using the terms applied to the currency of Iran by the Federal Reserve Bank of New York, namely, "Official" rials or "Free" rials, as the case may be. If both classes are used on a percentage basis, the percentage of each shall be indicated clearly.

3. For all purposes of appraisement and assessment of duties, the amount of any value established in rials for Iranian merchandise shall be considered to consist of "Official" rials to the extent of 10 percent of such amount and "Free" rials to the extent of the remaining 90 percent, and the "Official" rate shall be used for the 10 percent and the "Free" rate for the remaining 90 percent; except that if the appraiser or collector has credible information that the proportion of 10 percent at the "Official" rate and 90 percent at the "Free" rate was not used uniformly during any period in connection with the payment for the particular merchandise on which duty is being assessed and for all other merchandise of the same type, appraisement shall be withheld and liquidation shall be suspended as to all merchandise of the type involved, exported to the United States during the period involved. Whenever appraisement is withheld or liquidation suspended a detailed report shall be transmitted immediately to the Bureau of Customs.

The rates certified by the Federal Reserve Bank of New York during the two periods mentioned above have been certified only upon request made to the Customs Information Exchange. The rates that have been certified for dates during the earlier period and the rates certified prior to the issuance of this Treasury decision for dates during the present period of dual-rates certifications will be circularized by the Customs Information Exchange in the near future.

When information regarding any of the Iranian currency conversion practices necessary to comply with the instructions contained herein is not available at a port other than New York the appraiser or collector shall request the Customs Information Exchange, 201 Varick Street, New York 14, New York, to furnish such pertinent information as may be available.

It is realized that many cases may arise in which information clearly identifying the commodities which have been subject under Iranian law to each certified rate is not available locally or through the Customs Information Exchange. The appraiser or collector shall determine in each such case whether the facts warrant appraisement and liquidation in accordance with the instructions herein, or whether action shall be suspended and a report submitted to the Bureau of Customs in the same manner as provided for with respect to the exceptions outlined in those instructions.

Where at the time of making entry or upon the acceptance of an amended entry of merchandise exported from Iran during the present period of dual-rate certifications information is presented to the collector or is in his possession which establishes to his satisfaction the use of the 10 per cent–90 per cent exchange basis for the particular importation in accordance with pertinent instructions herein, deposit of estimated duties or of supplemental estimated duties calculated in accordance with that information shall be accepted.

Section 16.4 (c) Customs Regulations of 1943 (19 CFR, Cum. Supp., 16.4 (c)) is hereby amended by adding "Iranian rials" to the list of foreign currencies for which instructions have been issued under section 522 (c) of the Tariff Act of 1930 (31 U. S. C. 372 (c)) and by placing opposite such addition the number and date of this Treasury decision and the FEDERAL REGISTER citation thereof.

(R. S. 251, secs. 505, 624, 46 Stat. 732, 759, sec. 522, 46 Stat. 739; 19 U. S. C. 66, 1505, 1624, 31 U. S. C. 372).

Notice of the proposed issuance of the foregoing instructions was published in the FEDERAL REGISTER on January 24, 1948 (13 F. R. 350), pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress) The basis of the instructions is section 522 of the Tariff Act of 1930 (31 U. S. C. 372) as construed by the courts, and their purpose is to provide instructions for applying multiple rates of exchange certified by the Federal Reserve Bank of New York for currency conversion for the assessment and collection of customs duties. These instructions shall be effective on the date of publication in the FEDERAL REGISTER, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with because the instructions relate to action to be taken by customs officers and, although affecting rights of interested persons, do not require any action to be taken by such persons.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: April 14, 1948.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48-3503; Filed, Apr. 20, 1948; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 14,[1] Amdt. 3 to Order 7]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

DISPOSAL OF PERSONAL PROPERTY TO EDUCATIONAL AND PUBLIC-HEALTH INSTITUTIONS AND INSTRUMENTALITIES

War Assets Administration Regulation 14, Order 7, May 13, 1947, as amended through September 5, 1947, entitled "Disposal of Personal Property to Educational and Public-Health Institutions and Instrumentalities" (12 F. R. 3244, 3725, 6270) is hereby further amended by revising Exhibit A to § 8314.57 to read as follows:

EXHIBIT A—CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC-HEALTH USE

Commodity code classification	
13 0000	Wood basic, materials, except pulpwood.
14 0000	Pulp, paper, and paperboard.
15 0000	Textile basic manufactures.
16 0000	Food and beverage basic materials.
19 0000	Chemicals.
22 0000	Steel.
24 0000	Nonferrous metals.
25 0000	Fabricated metal basic products.
26 0000	Nonmetallic mineral basic products—chiefly structural.
27 0000	Nonmetallic mineral basic products—chiefly nonstructural.
31 0000	General purpose industrial machinery and equipment.
32 0000	Electrical machinery and apparatus.
33 0000	Special industrial machinery.
34 0000	Metalworking machinery.
35 0000	Agriculture machinery and implements.

[1] WAA Reg. 14 (11 F. R. 11505, 12 F. R. 257).

Commodity code classification	
36 0000	Construction, mining, excavating and related machinery.
37 0000	Tractors.
38 0000	Office machines.
39 0000	Miscellaneous machinery.
41 0000	Communication equipment and electronic devices.
42 0000	Aircraft.
43 0000	Ships, small watercraft and marine propulsion machinery.
45 0000	Motor vehicles.
49 0000	Miscellaneous transportation equipment.
51 0000	Plumbing and heating equipment.
52 0000	Air-conditioning and refrigeration equipment.
53 0000	Lighting fixtures.
54 0000	Furniture and fixtures.
55 0000	Photographic goods and processed motion pictures.
56 0000	Optical instruments and apparatus.
57 0000	Indicating, recording, and controlling instruments.
58 0000	Professional and scientific instruments and apparatus.
59 0000	Miscellaneous equipment.
61 0000	Food, manufactured.
63 0000	Beverages and ice.
65 0000	Drugs and medicines.
66 0000	Toiletries, cosmetics, soap, etc.
67 0000	Apparel, except footwear.
69 0000	Fabricated textile products, except apparel.
72 0000	Converted paper products and pulp goods.
73 0000	Products of printing and publishing industries.
74 0000	Rubber end products.
75 0000	End products of metal industries.
76 0000	Finished wood products.
77 0000	End products of glass, clay, and stone.
79 0000	Miscellaneous end products of manufacturing industries.
94 0000	Parts.
95 0000	Assemblies.
96 0000	Composite items.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611) Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b) and Reorganization Plan 1 of 1947 (12 F R. 4534))

This amendment shall be effective April 17, 1948.

JESS LARSON,
Administrator

APRIL 14, 1948.

[F. R. Doc. 48-3620; Filed, Apr. 20, 1948; 11:09 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 29]

HANDLING OF MILK IN THE CLEVELAND, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 12 F R. 1159, 4904) a public hearing was held at Cleveland, Ohio, on March 18 and 19, 1948, upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, milk marketing area.

Preliminary statement. The proposed amendments upon which the hearing was held were submitted by The Milk Producers Federation of Cleveland, handlers subject to Order No. 75, and The Dairy Branch, Production and Marketing Administration.

The material issues presented on the record of hearing are divided for the purpose of this decision into two categories:

(1) Those issues with respect to which findings and conclusions are being deferred pending further study and analysis of the hearing record.

(2) Those issues with respect to which findings and conclusions are herein set forth.

The first category of issues consists of the following:

(1) A proposed change in the requirements for qualifying a plant as a pool plant and in the requirements for maintaining pool plant status (H. N. proposals No. 1, 2 and 3)

(2) A revision of the method of pricing certain Class III milk products (H. N. proposals No. 5 and 15)

(3) The exemption of ice cream plants from the provisions of the order (H. N. proposal No. 6)

(4) A revision in the mileage limitation applicable in the classification of milk moved from a pool plant to a nonpool plant (H. N. proposal No. 7)

(5) A change in the classification of milk and cream transferred to a manufacturer of soup, candy, or bakery products from Class I milk to Class III milk (H. N. proposals No. 8 and 9)

(6) A revision of the reclassification provisions to limit their application to skim milk and butterfat in storage less than 60 days (H. N. proposal No. 10)

(7) An increase in the percentage from 5 to 15 percent that producer receipts must exceed Class I utilization before total Class I utilization can be allocated to producer milk (H. N. proposal No. 11)

(8) The weekly announcement by the market administrator of prices of nonfat-dry-milk-solids and weekly average prices resulting from the butter-non-fat-dry-milk-solids formula (H. N. proposals No. 12 and 14)

(9) A revision of the Class II price differential (H. N. proposal No. 13)

(10) A long term revision of the seasonal pattern of Class I price differentials (H. N. proposal No. 17)

The second category of issues consists of the following:

(1) The elimination of the seasonal decline in the Class I price differentials in 1948 (H. N. proposal No. 4)

(2) The need for emergency action.

Findings and conclusions. Upon the basis of the evidence introduced at the hearing the following findings and conclusions on the material issues which are decided herein are hereby made:

(1) The differential to be added to the basic formula price should be established for the delivery periods of May, June, July, and August, 1948, for Class I milk at $1.15.

Producer milk received in the Cleveland market is becoming increasingly short of an adequate supply to meet the yearly demand for fluid milk and cream consumption. Receipts of producer milk in January, 1948, were 4.8 percent below January, 1947. Class I utilization for the same period increased 1.9 percent, requiring in January, 1948, the classification of 1.6 million pounds of other source milk in Class I. This is an increase of 85 percent over the amount of other source milk so classified in January, 1947. The drop in volume of producer milk was shown to be due largely to loss of producers following the seasonal price decline in the spring of 1947. The uniform price to producers dropped $1.22 per hundredweight from January to May, 1947, a decline of over 25 percent. This decline was due primarily to a reduction in the basic formula price but the lower spring differential and the increased volume of milk in the lower priced classes also contributed to this decline.

The loss of producers which seriously threatened the Cleveland milk supply followed and appears to have been chiefly the result of this relatively sharp decrease in prices in the Cleveland market as compared with more stable prices in alternative competitive markets.

Excluding producers at pool plants located outside of the "normal" Cleveland milk shed which qualified as such during 1947, the number of producers from January 1947, to May 1947, showed a net gain of 172 following a period of relatively favorable prices in the Cleveland market.

The greatest loss of producers during the entire year 1947 occurred in May when the Cleveland prices declined with basic prices and were further depressed by the seasonal decrease in the Class I differential provided by the order. In that month more than 200 producers were lost from the market, thus sharply reversing the previous trend. This loss of producers continued for most of the remainder of the year but in reduced numbers. By the end of the year the loss had increased to 631 producers. After allowing for the increase in the early

months there was a net loss of 459 producers for the year. Of this number 300 were direct shippers to plants in the marketing area. In explanation of the continued loss of producers it was testified that the dissatisfaction among producers in the spring and summer of 1947 had prolonged effects and resulted in continued loss of producers to the market even after the more favorable fall prices took effect.

In the spring of 1947 the Cleveland uniform prices became relatively unfavorable in relation to prices paid in competing markets. By May 1947, competing market blend prices were above Cleveland by 38 cents per hundredweight in Akron, 23 cents in Canton, 40 cents in Youngstown, and 82 cents in Pittsburgh. These competing markets are expected this year to hold their spring prices nearer to the winter level than comparable prices would be under the Cleveland order as now effective. Consequently, a further loss of producers during the spring and summer of 1948 may be expected unless the disparities in pricing between Cleveland and these competing markets are removed or lessened.

The loss in producer numbers shown above was more than offset by the qualification of additional pool plants and producers at distant points. However, the producers of these newly qualified plants have a lower average production per farm than those which have been lost. The result has been a net loss of milk. The continued loss of relatively large direct shippers and replacement by more distant small producers would result in a less economic milkshed.

A group of handlers representing most of the market proposed that the immediate problem be met by maintaining presently effective Class I differentials for April through June with very much higher differentials in the fall and winter months. This proposal as a long time program probably would tend to encourage greater fall production for those producers who remain in the market. Although the evidence indicated that more uniform production is desirable, under present conditions of milk supply shortages in the Cleveland and competing markets, the use during the spring and summer of 1948 of a seasonal Class I differential in encouraging more uniform production for the Cleveland market is outweighed by the hazard of a further loss of producers.

Expenses of dairy farmers have increased materially in the last year. The quarterly index of farm wages in Ohio increased from 280 in January, 1947, to 316 in January, 1948, about 13 percent. Dairy feed prices in the Cleveland area in March while generally lower than December, 1947, and January, 1948, were considerably higher than March, 1947. This increase ranged from 11 percent for bran to 50 percent for oats, with 16 percent dairy ration up 33 percent. The supply of home grown feeds on farms is low, particularly corn and oats.

Demand for milk in Cleveland is likely to continue at the present high level. Employment during 1947 averaged well above 1946, and in January, 1948, while slightly below January, 1947, was 17 percent above the corresponding month of 1946. Moreover, as pointed out above, sales of Class I milk were about 2 percent higher in January of this year than they were in January, 1947.

Testimony of both handlers and producers favored a higher average Class I price differential to secure and maintain an adequate supply of milk for the Cleveland market. Handler objections to maintaining the differential at the $1.15 level during the months preceding September were based chiefly on the desirability of seasonal variation in the differential as an incentive to more even production.

The emergency action decided upon is necessary because of prevailing milk supply conditions, anticipated higher spring and summer prices in competing markets, low inventories and relatively higher prices for feed, relatively attractive prices for other livestock and cattle for slaughter and high dairy farm labor costs. The experience during the spring of 1947 would indicate that these conditions coupled with a drop in the Class I differential in 1948, would result in a continuing loss of regular producers and a further aggravation of the problem of a short supply of producer milk in the fall of 1948.

Accordingly, the amendment action presently taken is limited to the maintenance of the $1.15 Class I differential over the basic formula price for the period of May through August, 1948. A differential of $1.15 per hundredweight to be added to the basic formula price in computing the Class I price for that period is justified by the record and is required to prevent a further loss of producers who are needed to assure to the market a sufficient supply of pure and wholesome milk.

(2) An emergency exists which requires that action be taken promptly to amend the order to effectuate the above findings and conclusions without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the Act imperatively and unavoidably requires the omission of such recommended decisions and filing of exceptions thereto.

Immediate action is necessary if adjustment of the spring differential is to be effective in retaining producers on the market. Because of emergency conditions prevailing in the market this differential was fixed at the February level for the month of April by suspension action. Any delay beyond May 1, 1948, in effectuating the needed changes in the order would seriously threaten an adequate supply of pure and wholesome milk for the Cleveland market, would disrupt orderly marketing, and would be contrary to the public interest. The amending order cannot be issued and made effective by May 1, 1948, unless the recommended decision and the filing of exceptions thereto are omitted.

(3) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulate the handling of milk in the same manner and are applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Cleveland, Ohio, Milk Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 19th day of April 1948.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Milk Marketing Area [1]

§ 975.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73rd Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 12 F R. 1159, 4904) a public hearing was held on March 18 and 19, 1948, upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

Delete from § 975.6 (b) (1) the first and second provisos contained therein and substitute therefor the following: *"Provided,* That for the delivery periods of May, June, July, and August 1948, the amount added to the basic formula price shall be $1.15."

[F. R. Doc. 48-3606; Filed, Apr. 20, 1948; 10:20 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR, Part 932]

HANDLING OF MILK IN FORT WAYNE, INDIANA, MARKETING AREA

NOTICE OF PROPOSED RULE MAKING

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq., 12 F R. 1159, 4904) a public hearing was held at Fort Wayne, Indiana, on November 13–14, 1947, pursuant to the notice thereof which was published in the FEDERAL REGISTER on November 7, 1947 (12 F R. 7289) upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

Upon the basis of the evidence introduced at such hearing, and the record thereof, the Acting Assistant Administrator, Production and Marketing Administration, on February 9, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER February 12, 1948 (13 F. R. 634)

The material issues presented on the record of hearing were whether:

1. The definition of "handler" and the reporting, classification, and allocation provisions of the order should be modified with respect to producer milk delivered to plants from which no routes are operated in the marketing area; and

2. Whether provisions should be included in the order to insure availability of producer milk for Class I and Class II usage.

Findings and conclusions. The following findings and conclusions on the issues stated above are based upon the evidence introduced at the hearing and the record pertaining thereto:

1. The responsibilities of handlers and the reporting, classification, and allocation provisions of the order should be modified, with respect to producer milk transferred or diverted to plants from which no routes are operated in the marketing area, by:

(a) Defining "fluid milk plant" as an approved plant from which route(s) are operated in the marketing area, and "non-fluid milk plant" as any other milk plant;

(b) Modifying the handler definition in such a way as to provide that a cooperative association in diverting producer milk to a non-fluid milk plant is a handler only with respect to the producer milk transferred or diverted to such plant for its account;

(c) Limiting the reports of receipts and utilization, when producer milk is transferred or diverted by a handler to a non-fluid milk plant operated by the handler to receipts of producer milk at such plant; and

(d) Providing by specific allocation provisions that, when producer milk is transferred or diverted to a "non-fluid milk plant" operated by the handler for whose account it is transferred or diverted, it shall be classified in the lowest class uses for which an equivalent amount of milk is used in such plant.

The record shows that plants which are not approved for fluid milk purposes by an appropriate health authority and from which no milk is distributed on routes in the marketing area should be distinguished from approved plants engaged in the fluid trade of the marketing area. Plants meeting this description are in no wise competitive with approved plants engaged in the fluid trade of the marketing area. Under the present order such a plant when operated by other than a cooperative association or a handler is not considered to be a handler operation for order purposes but if operated by a cooperative association or by another handler, it is treated as a handler operation. Although past hearing records may have justified a closer regulation of the latter type of operation this record shows no present reason for the continuance of such a "distinction." The differentiation between a "fluid milk plant" and a "non-fluid milk plant" should depend upon the qualifications of the plant as a source of milk supply for the marketing area rather than upon who operates it.

The record shows that the orderly disposition of Fort Wayne surplus milk at such a plant of a cooperative association has been impaired because of such difference in treatment. This plant is not engaged in or approved for distribution of Class I products in the marketing area, but it is an essential outlet for surplus Fort Wayne approved milk. The receipts of producer milk represent only that portion of the association's supply that is not required by Fort Wayne handlers, and except for the flush season of the year are negligible in comparison with regular receipts of unapproved milk at the plant. Under the present provisions of the order the receipts and utilization of four to five million pounds of milk regularly received at the plant but not approved for distribution in Fort Wayne are reported and classified each month in determining the classification of surplus producer milk diverted to the plant by the association. Administrative charges have been assessed on considerable quantities of milk not approved for distribution in Fort Wayne although the plant is only a surplus outlet with respect to producer milk. It has also resulted to

some extent in surplus producer milk being allocated to Class I when sold intermingled with the unapproved supply for manufacturing purposes to distant points. In addition normal transfers and diversions of surplus producer milk to this cooperative plant by other handlers and by another cooperative association have been made increasingly difficult by the allocation provisions applied in the classification of surplus producer milk diverted to the plant.

Amendment of the existing order is required for correction of the situation. This can best be done by distinguishing by definition between plants which engage in Class I trade in the marketing area ("fluid milk plants") and other milk plants ("non-fluid milk plants") The definition of "handler" should be modified so that a cooperative association is no longer a handler with respect to all operations of a non-fluid milk plant which it operates. However, if producer milk which normally is delivered to a handler's fluid milk plant is diverted to a non-fluid milk plant, it should not lose its character as producer milk. The party for whose account it is so diverted should be deemed to be the handler, irrespective of whether that party is or is not a cooperative association. A handler for whose account producer milk is diverted to a non-fluid milk plant should be required to report only the receipts and utilization of the producer milk, even though he is also the operator of the non-fluid milk plant.

It was proposed in the hearing notice that the classification of producer milk diverted to non-fluid milk plants be governed by the rules of classification now applicable to transfers or diversions of milk to plants of non-handlers. These provisions are that for milk transferred or diverted to a non-fluid milk plant within 100 miles of Fort Wayne the milk may be classified upon a basis of utilization mutually agreed to by the buyer and seller, subject to verification that the buyer's plant actually used at least an equivalent amount in the use indicated. When the non-handler's plant to which the milk is first diverted or transferred is more than 100 miles from Fort Wayne, the milk so diverted or transferred is classified as Class I milk.

These provisions are considered appropriate for diversions to non-fluid milk plants which are not operated by the handler for whose account the producer milk is diverted, and the amendment provisions attached hereto so provide. When a handler is diverting producer milk to a non-fluid milk plant which he himself operates an agreement on utilization has little significance, and it is deemed more appropriate to provide that in such case classification shall be based upon actual utilization, with specific allocation provisions to apply when the use of the diverted producer milk is in conjunction with other receipts. Under the present order receipts of producer milk at the cooperative plant which will now be included in the definition of "non-fluid milk plant" are, (except for certain limits further discussed in conclusion (2)) allocated to classes in sequence beginning with the lowest-priced available uses. The record also indicates that producer milk when diverted or transferred to plants of non-handlers has usually under these rules been classified as Class III milk. Producer milk so transferred or diverted to a non-fluid milk plant is surplus milk, and as such should be assigned to the surplus classes to the extent of the uses of milk in those classes at the non-fluid milk plant. It is therefore considered appropriate that producer milk diverted or transferred to a non-fluid milk plant operated by the handler for whose account it is diverted or transferred and there used in conjunction with other receipts, should be allocated to the lowest available class uses for which an equivalent amount of milk was used in or disposed of from the plant.

In line with the conclusion that the classification of producer milk diverted or transferred to any non-fluid milk plant should be governed by the same principles that now govern when diversion or transfer is made to a non-handler's plant, it is concluded that when the diversion or transfer is to a non-fluid milk plant of a handler, and such plant is within 100 miles of Fort Wayne, the fact that further disposition of milk is made from this plant to other plants located more than 100 miles from Fort Wayne should not affect the classification of the diverted producer milk. This is the result under the present order when the producer milk is first diverted or transferred to a non-handler's plant within 100 miles of Fort Wayne.

At the hearing, and by brief, handlers suggested that the present burdensome features of the order could be corrected by modification of the existing provisions which require the classification of all milk moved more than 100 miles as Class I milk, and which impose assessments for administration on other source milk classified as Class I milk or Class II milk. While the adoption of these suggestions would provide some superficial symptomatic correction for the immediate problem presented at the hearing, particularly with respect to the cooperative plant above referred to, it would not correct the underlying causes therefor. The desired result could better be accomplished by amending the order so as to define clearly the status of all handlers with respect to producer milk diverted from fluid milk plants and to provide definite allocation of such milk to the lower classes when used in conjunction with other receipts in a non-fluid milk plant operated by a handler, whether proprietary or cooperative. Such broader basis of amendment will provide for additional contingencies that may arise.

Handlers excepted to similar conclusions in the recommended decision concerning classification and allocation as not being supported by the record and as discriminatory between proprietary handlers and the cooperative with respect to milk moved more than 100 miles from Fort Wayne. The record clearly shows ample evidence in support of classification analogous to that accorded producer milk diverted to non-handler's plant under the current order, and in support of the specific allocation provisions here decided. The amendment action here taken makes no distinction between proprietary concerns and cooperatives in classifying milk moved more than 100 miles, or otherwise. The distinction made between transfers from fluid milk plants and further transfers from non-fluid milk plants after producer milk has first been diverted there merely recognizes and follows the practice of the present order with respect to diversion *first* made to non-handlers' plants within 100 miles of Fort Wayne.

The circumstances of the Fort Wayne market do not warrant the regulation of producer milk which is diverted as surplus to plants which do not engage in fluid trade in the marketing area in such way as to require full reporting and accounting, or administrative assessment for milk of other dairy farmers which is not in competition with producer milk for the trade of the marketing area.

2. Provisions should not be included in the order at this time limiting Class III usage in order to insure availability of producer milk for Class I and Class II requirements.

There is presently incorporated in the order a provision which allocates producer milk diverted in excess of fifteen percent of the total producer milk supply from members of the association to the cooperative plant from which no routes are operated, to the highest class available use in the association plant. The notice of hearing proposed the deletion of this provision.

Handlers supplied by the association contend that this provision aids them in receiving their full needs for Class I and Class II milk by penalizing diversion of excessive amounts of producer milk to the plant of the cooperative association which controls their supply. It was shown that for 1947 the use of other source milk in Class I and Class II had decreased materially from recent years. It has not shown, however, that such change was due to the operation of the provision in question. The following other factors were shown to have contributed to this result:

(a) Total supplies of producer milk in the market were more adequate, records of the market administrator showing that producer numbers and receipts of producer milk both increased approximately 20 percent from September 1946 to September 1947;

(b) One handler formerly supplied by the association had sold his plant to another cooperative association which has its own production, thus reducing the demand for milk supplied by the cooperative association (another transaction of a similar nature was announced at the hearing, with a similar result expected shortly thereafter)

(c) Other amendments to the order effective at the same time (April 1947) as this provision discouraged excess diversion of producer milk and the substitution therefor of other source milk which the association also controls.

The percentage of producer milk receipts at the cooperative plant to the total producer milk supply of the cooperative showed no relationship whatever to the 15 percent limitation during the six months for which data was available

as to the operation of the provision. In the three flush months of this period, when handlers presumably were receiving all of their milk requirements, some producer milk was being forced into high classification at the plant although the record shows it was received for surplus disposition only. In the other three months the percentage figures showed no intention on the part of the cooperative to withhold milk from handlers to the full extent of the 15 percent permissible. Thus in September 1947 the deliveries to handlers by the cooperative was 94.4 percent of its total producer milk receipts with only 5.6 percent being diverted to its plant.

At the hearing it was suggested the present provision be replaced by one that would charge any handler Class I price for any Class III usage in excess of 15 percent of receipts during October, November, and December, the normal short supply season. It was advanced that such a provision would assist in directing producer milk to handlers requiring it for Class I and II use and would also discourage addition of excessive supplies to the pool. Although there was testimony that a total reserve of 15 percent above Class I and II needs was the minimum with which all handlers could be assured of supplies for their Class I and Class II requirements, there was also testimony that a limitation for fixed periods at this marketwide level of minimum requirements would make it difficult to insure adequate supplies for short season needs. Handlers suggested that the limitation proposed at the hearing should not apply unless there was need for such receipts in Class I and Class II uses, but standards by which the need might be ascertained within the delivery period to be affected were not developed at the hearing.

While there was rather general agreement at the hearing that some provision applicable to all handlers limiting Class II usage in periods of short supply would be appropriate, the present record does not provide a basis upon which equitable provisions to that end can be included in the order. The principle of the present provisions, if made applicable to all handlers, would encourage rather than discourage the use of other source milk for Class I and Class II purposes. Further the record showed that these provisions had been ineffective in influencing movement of supplies of producer milk controlled by the second cooperative association which were surplus to the Class I and Class II milk requirements of this association, even though this association now operates a plant to which the provision is applicable. The modification proposed at the hearing was not sufficiently developed on the record for decision as to how it should be applied to handlers variously situated with respect to control of their own supply and that of other handlers, the level of Class III usage that should be limited, or the times at which limitation should be applicable. The record shows no indication that conditions which appear to have contributed most to a reasonably satisfactory allocation of producer milk in the market will not continue to be present. Should circumstances change, appropriate proposals concerning the problem may be considered at a future hearing.

Rulings on exceptions. Exceptions were filed by counsel for twelve handlers subject to Order No. 32 to the findings, conclusions and amendment action recommended in the Acting Assistant Administrator's report with respect to all issued. Exception was also filed by the Wayne Cooperative Milk Producers Association to certain language of the recommended amendment action as ambiguous.

In arriving at the findings, conclusions and amendment action decided upon in this decision each of these exceptions was carefully considered in conjunction with the record evidence pertaining thereto. As a result some changes have been made in the language of the findings, conclusions, and amendment action herein. To the extent that the findings, conclusions and amendment action decided upon herein are at variance with the exceptions pertaining thereto, such exceptions are overruled.

The handlers' exceptions above referred to asserted in part that the findings and conclusions of the Acting Assistant Administrator were not based on evidence in the record. A re-examination of the hearing record discloses that this was not the case. Although the findings and conclusions herein made vary in terminology from the recommended decision, such changes were principally for clarification purposes, and most of such changes are found in the statement of reasons or basis for the action to be taken rather than in the conclusions reached.

General findings and conclusions. (a) The tentative marketing agreement and the order, as amended and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the tentative marketing agreement and order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and order, as amended and hereby proposed to be further amended, regulate the handling of milk in the same manner as and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentative marketing agreement upon which the hearing has been held.

Marketing agreement and order Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 16th day of April 1948.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Order[1] Amending the Order as Amended, Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area

§ 932.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(a) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 932.1 (j) and substitute therefor the following:

(j) "Handler" means:

(1) Any person, including any cooperative association, who operates a fluid milk plant; and

(2) Any cooperative association with respect to:

(i) Milk caused by it to be delivered from producers' farms to a fluid milk plant for which milk such association is authorized to receive payment; or

(ii) Milk of producers caused to be diverted for its account from a fluid milk plant to a non-fluid milk plant.

2. Delete § 932.1 (l) and substitute therefor the following:

(l) "Fluid milk plant" means any milk processing or distributing plant approved by the appropriate health authorities of the marketing area, from which a route (or routes) is operated wholly or partially within the marketing area.

3. Add the following as § 932.1 (p)

(p) "Non-fluid milk plant" means any milk plant not a fluid milk plant.

4. Delete § 932.3 (a) (1) and substitute therefor the following:

(1) The quantities of butterfat and quantities of skim milk contained (i) in (or used in the production of) all receipts at a fluid milk plant of (*a*) producer milk, (*b*) skim milk and butterfat in any form from any other handler, and (c) other source milk, and (ii) in all producer milk diverted for the account of such handler during the delivery period to a non-fluid milk plant.

5. Delete § 932.3 (a) (2) and substitute therefor the following:

(2) The product pounds of milk products received from any source other than from a handler and disposed of in the same form.

6. Delete § 932.4 (a) and substitute therefor the following:

(a) *Skim milk and butterfat to be classified.* The market administrator shall classify pursuant to the following provisions of this section:

(1) All skim milk and butterfat, in any form, received within the delivery period by a handler at his fluid milk plant, in producer milk, in other source milk, and from another handler; and

(2) All skim milk and butterfat in producer milk caused by a handler to be diverted for his account to a non-fluid milk plant.

7. Delete § 932.4 (e) and substitute therefor the following:

(e) *Transfers and diversions.* Skim milk or butterfat disposed of by a handler from a fluid milk plant either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted to the fluid milk plant of another handler (except a producer-handler) in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transaction occurred: *Provided,* That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to paragraph (g) (1) (ii) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available utilization;

(2) As Class I milk if transferred or diverted to a producer-handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream;

(3) As Class I milk if transferred or diverted except as provided in subparagraph (4) of this paragraph, to a non-fluid milk plant not operated by the handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream unless (i) the handler claims another class on the basis of a utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 5th day after the end of the delivery period within which such transaction occurred, (ii) the buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, (iii) such buyer's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided,* That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat in such indicated use, the remaining pounds shall be classified on the basis of the next highest-priced available use in accordance with the classes set forth in paragraph (b) of this section; and

(4) As Class I milk if transferred or diverted in the form of milk to a milk plant located 100 miles or more from the City Hall in Fort Wayne, Indiana, by shortest highway distance as determined by the market administrator.

(5) As follows, if contained in producer milk caused to be diverted or transferred by a handler to a nonfluid milk plant operated by such handler:

(i) In accordance with its utilization in such non-fluid milk plant, if there utilized; or

(ii) In accordance with subparagraphs (1) (2), or (3) (except for the reference to subparagraph (4) therein) of this paragraph, if further transferred from such non-fluid milk plant to another milk plant;

Provided, That if the use in or disposition from the non-fluid milk plant of such handler is in conjunction with other receipts, the receipts of producer milk shall first be allocated to the available quantity of Class III milk and any remaining balance of such receipts shall be allocated to the available quantities of Class II milk and of Class I milk in that sequence.

8. Delete § 932.4 (g) (1) (ii) and (g) (1) (v).

9. Redesignate § 932.4 (g) (1) (iii) (g) (1) (iv) and (g) (1) (vi) as § 932.4 (g) (1) (ii) (g) (1) (iii) and (g) (1) (iv) respectively.

10. Delete § 932.6 (c) and substitute therefor the following:

(c) *Milk caused to be delivered by cooperative associations.* A cooperative association shall be deemed to be a handler pursuant to § 932.1 (j) (2) (i) with respect to milk caused by it to be delivered from producers' farms to a fluid milk plant, only for the purpose of making such payments to the market administrator as are required of such association pursuant to the proviso of § 932.8 (e)

11. Delete § 932.6 (d).

12. In § 932.7 (a), following the words "subtracted pursuant to," delete "§ 932.4 (g) (1) (vi)" and substitute therefor "§ 932.4 (g) (1) (iv)"

[F. R. Doc. 48-3497; Filed, Apr. 20, 1948; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 51889]

"NO CONSUL" LIST

ADDITION OF ISLAND OF MANUS

APRIL 14, 1948.

In accordance with a recommendation from the Department of State, the island of Manus is hereby added to the "No consul" list (1947) T. D. 51797, as amended.

Consular invoices covering merchandise from the above-named place will be accepted if certified under the provisions of section 482 (f), Tariff Act of 1930.

[SEAL] W. R. JOHNSON,
Deputy Commissioner

[F. R. Doc. 48-3505; Filed, Apr. 20, 1948; 8:53 a. m.]

[T. D. 51890]

WHITE OR IRISH POTATOES

TARIFF-RATE QUOTA FOR JANUARY 1, 1948, TO SEPTEMBER 14, 1948

APRIL 15, 1948.

The quantities of white or Irish potatoes which may be entered, or withdrawn from warehouse, for consumption during the period January 1, 1948, to September 14, 1948, inclusive, within the quotas established pursuant to the first two items 771 of Part I, Schedule XX, of the General Agreement on Tariffs and Trade, by the President's Proclamation of December 16, 1947 (T. D. 51802) are as follows:

	Pounds
Certified seed potatoes as defined in item 771 (first)	76,477,942
Other potatoes (except Cuban)	24,785,205

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 48-3504; Filed, Apr. 20, 1948; 8:53 a. m.]

DEPARTMENT OF COMMERCE

DIRECTOR OF OFFICE OF DEFENSE TRANSPORTATION

DELEGATION OF AUTHORITY UNDER VOLUNTARY ALLOCATION PLAN COVERING CERTAIN STEEL AND IRON PRODUCTS

Pursuant to the provisions of section 2 of Public Law 395, 80th Congress, and paragraphs 1 and 5 of Executive Order 9919, and in order to effectuate the provisions of Voluntary Allocation Plan No. 1, covering the allocation of steel and pig iron for the construction of domestic railway freight cars and the repair of railroad rolling stock, authority is hereby delegated to the Director of the Office of Defense Transportation to perform the acts and exercise the functions authorized to be performed and exercised by the Office of Defense Transportation under the provisions of said plan.

Dated: March 30, 1948.

[SEAL] WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 48-3499; Filed, Apr. 20, 1948; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F R. 2862, and as amended June 25, 1942, 7 F. R. 4725) and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Independent Telephone Learner Regulations, July 17, 1944 (9 F R. 7125) The special learner certificates issued to the following companies under the above regulations provide for the employment of learners in the occupation of commercial switchboard operator for a period not in excess of 480 hours at not less than 30 cents per hour for the first 320 hours and 35 cents per hour for the remaining 160 hours of the learning period. The number of learners authorized to be employed depends on the number of operators in the exchange, i. e., one learner if the exchange employs 8 operators or less, two learners if the exchange employs from 9 to 18 operators, etc. See regulations, Part 522, § 522.083.

West Iowa Telephone Company, West Bend, Iowa, effective March 16, 1948, expiring March 15, 1949.

West Iowa Telephone Company, Remsen, Iowa; effective March 16, 1948, expiring March 15, 1949.

West Iowa Telephone Company, Anita, Iowa; effective March 16, 1948, expiring March 15, 1949.

West Iowa Telephone Company, Marcus, Iowa; effective March 16, 1948, expiring March 15, 1949.

Southland Telephone Company, Atmore, Alabama; effective March 16, 1948, expiring March 15, 1949.

Regulations, Part 522, Regulations Applicable to the Employment of Learners (*supra*)

William Golding, Corozal, Puerto Rico; to employ 25 learners in the Artificial Flowers Industry in the occupation of manufacturing by hand artificial flowers made of paper (the operations of sticking and pressing are not included in the certificate) for a learning period not to exceed 200 hours at wage rates not less than 75% of the applicable minimum rate of pay which is effective during the life of the certificate. This certificate is effective March 31, 1948, and expires September 30, 1948.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 13th day of April 1948.

ISABEL FERGUSON,
Authorized Representative of the Administrator

[F. R. Doc. 48-3480; Filed, Apr. 20, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3282]

CONSOLIDATED VULTEE AND ATLAS CORP., INVESTIGATION

NOTICE OF HEARING

In the matter of the acquisition of control of Consolidated Vultee Aircraft Corporation by Atlas Corporation and related matters.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 408, 1001, and 1002 (b) and said act, that a hearing in the above-entitled proceeding is hereby assigned to be held on April 22, 1948 at 10:00 a. m., eastern standard time, in Room 1011, Temporary 5 Building, 16th Street and Constitution Ave., N. W., Washington, D. C., before Examiner Warren E. Baker.

The Board by order Serial No. E-1266 dated March 5, 1948 ordered an investigation into certain transactions of Atlas Corporation with relation to control of Consolidated Vultee Aircraft Corporation and Northeast Airlines, Inc. For further details on this investigation interested

parties are referred to Board's order Serial No. E–1266 and other papers filed in the docket in this proceeding in the Docket Section of the Civil Aeronautics Board.

Without limiting the scope of the issues presented in said proceeding particular attention will be directed to the following matters and questions:

1. Whether Atlas Corporation controls Northeast Airlines, Inc., within the meaning of section 408 (a) of the act.

2. Whether Consolidated Vultee Aircraft Corporation is a person engaged in a phase of aeronautics otherwise than as an air carrier.

3. Whether Atlas Corporation controls Consolidated Vultee Aircraft Corporation within the meaning of section 408 (a) of the act.

4. Whether the common control of Northeast Airlines, Inc., and Consolidated Vultee Aircraft Corporation by Atlas Corporation is consistent with the public interest and fulfills the conditions of section 408 (b) of the act.

5. Whether the common control of Northeast Airlines, Inc., and Consolidated Vultee Aircraft Corporation by Atlas Corporation should be approved or disapproved and what action the Board should take with respect thereto.

Dated at Washington, D. C., April 16, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48–3521; Filed, Apr. 20, 1948; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–620, G–1035]

PANHANDLE EASTERN PIPE LINE CO.

ORDER SUSPENDING SUPPLEMENTAL RATE SCHEDULE AND REOPENING PROCEEDING ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

It appears to the Commission that:

(a) On March 31, 1945, the Commission "In the Matter of Panhandle Eastern Pipe Line Company," Docket No. G–620, 4 F. P. C. 263, issued to Panhandle Eastern Pipe Line Company (Panhandle) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain additions to Panhandle's then existing pipeline system by means of which Panhandle proposed to increase the delivery capacity of such system by 50 million cubic feet of natural gas per day. Panhandle proposed to utilize the increased capacity principally to supply natural gas to The Ohio Fuel Gas Company in accordance with the terms of a contract dated February 9, 1945, which has been designated in files of the Commission as Panhandle Eastern Pipe Line Company Rate Schedule FPC No. 108.

(b) Paragraph 4 of Article II of the contract of February 9, 1945, Panhandle Rate Schedule FPC No. 108, provides as follows:

4. Immediately upon the completion of the facilities herein provided for, Eastern agrees that it will commence to sell and deliver to Ohio and Ohio agrees that it will commence to purchase and receive from Eastern, in accordance with all terms and conditions hereof the following volumes of natural gas:

(a) Twenty-five (25) million cubic feet per day to be delivered to Ohio at the Maumee Connection and the Muncie Connection in the time and manner and under the terms and conditions set forth in all of the articles of this agreement except Article IV hereof, it being understood and agreed that the terms and conditions set forth in Article IV shall not apply to said volumes.

(b) The additional volume of twenty-five (25) million cubic feet per day to be delivered in the time and manner and under the terms and conditions of all of the articles of this agreement except Article III hereof, it being understood and agreed that the terms and conditions contained in Article III hereof shall not apply to said volumes.

Article III of the contract of February 9, 1945, provides as follows:

APPLICABLE TO GAS SOLD UNDER ARTICLE II, PAR. 4 (A)

With respect to delivery of the twenty-five (25) million cubic feet of gas per day provided for in paragraph 4 (a) of Article II hereof, it is understood and agreed as follows:

1. This agreement shall extend for a term of twenty years from the effective date hereof.

2. Said twenty-five (25) million cubic feet of gas per day provided for in paragraph 4 (a) of Article II shall be delivered to the Maumee Connection and the Muncie Connection in such proportions as may be agreed upon between the parties from time to time, provided, however, that Eastern may at its option require that as much as twenty (20) million cubic feet per day thereof shall be delivered at the Muncie Connection. The deliveries at both connections shall be at a uniform daily rate of flow, *Provided, however,* That either party may at its option vary the daily rate of flow in an amount not to exceed ten per centum (10%) of said volume.

3. It is understood and agreed that the terms and conditions of this Article III shall apply only to the daily volume of twenty-five (25) million cubic feet provided for in paragraph 4 (a) of Article II and shall not apply to the daily volume of twenty-five (25) million cubic feet provided for in paragraph 4 (b) of Article II.

And Article IV of the contract of February 9, 1945, provides as follows:

APPLICABLE TO GAS SOLD UNDER ARTICLE II, PAR. 4 (B)

With respect to the delivery of the twenty-five (25) million cubic feet per day provided for in paragraph 4 (b) of Article II, it is understood and agreed as follows:

1. Paragraph 4 (b) of Article II and all of the terms and conditions of this Article IV shall be subject to cancellation by either party upon ninety days' written notice (such cancellation in no event, however, to be effective during the period from November 1st to March 21st in any year) given to the other after the War Production Board, or any administrative body succeeding to its powers with respect to the allocation of natural gas, shall cease to exercise war emergency jurisdiction over the parties hereto in connection with the dispatching of natural gas from Eastern's system to other gas systems or, exercising such jurisdiction, shall advise either of the parties hereto in writing that control of the dispatching of natural gas from Eastern's system is no longer necessary to the furtherance of the war effort; but in any event the terms and conditions of this Article IV shall terminate at the expiration of five years from the effective date hereof. The termination of the terms and conditions of this Article IV shall in no wise change, alter, nullify, or affect any of the terms and conditions of any other articles of this agreement except paragraph 4 (b) of Article II. Upon such termiantion, Eastern shall not thereafter be obligated to deliver and Ohio shall not be obligated to receive the twenty-five (25) million cubic feet of natural gas provided for in paragraph 4 (b) of Article II hereof.

2. Said twenty-five (25) million cubic feet of gas per day provided for in paragraph 4 (b) of Article II shall be delivered at the Maumee Connection and the Muncie Connection in such proportions as shall be agreed upon between the parties from time to time: *Provided, however,* That Eastern may at its option require that as much as ten (10) million cubic feet per day thereof shall be delivered at the Muncie Connection. The deliveries at both connections shall be at a uniform daily rate of flow, provided, however, either party may at its option vary the daily rate of flow in an amount not to exceed twenty (20) per cent of said volume.

(c) The Commission's order of March 31, 1945, issuing the certificate of public convenience and necessity to Panhandle, Docket No. G–620, 4 F. P. C. 263, 273 was conditioned as follows:

(B) This certificate is granted upon the express conditions that (1) the facilities herein authorized shall not be used for either the transportation or sale of natural gas, subject to the jurisdiction of this Commission, to any new customers of applicant except upon specific authorization first obtained from this Commission, and (2) *applicant shall not abandon or terminate any service rendered by means of such facilities to The Ohio Fuel Gas Company without first obtaining the approval of the Commission in accordance with the requirements of the Natural Gas Act, notwithstanding any provisions for termination of deliveries contained in the contract between applicant and The Ohio Fuel Gas Company, dated February 9, 1945;* [Italics supplied.] 4 F. P. C. 273.

(d) By Supplement No. 2 to Panhandle's Rate Schedule FPC No. 103, as filed on October 10, 1946, and effective as of June 30, 1947, Panhandle's obligation to deliver natural gas to Ohio Fuel during the period December 1, 1947, to and including April 15, 1948, was reduced to 25 million cubic feet per day. "In the Matter of Panhandle Eastern Pipe Line Company," Docket Nos. G–807 and G–620, Opinion No. 152 and order issued July 8, 1947.

(e) A letter agreement dated January 14, 1948, between Panhandle and Ohio Fuel, filed by Panhandle as Supplement No. 8 to its Rate Schedule FPC No. 103, purports to reduce from 90 days to 45 days the period of notice required with respect to the termination of Panhandle's obligation to deliver 25 million cubic feet of natural gas per day under paragraph 4 (b) of the contract dated February 9, 1945, Panhandle's Rate Schedule FPC No. 103, hereinbefore referred to.

(f) By letter of February 25, 1945, Panhandle gave Ohio Fuel notice of cancellation of paragraph 4 (b) of Article II and all the terms and conditions of Article IV of the contract of February 9, 1945, as supplemented, Panhandle's Rate Schedule FPC No. 103 as supplemented. Said cancellation, contemplated by Panhandle to be effective as of April 16, 1948, would reduce Panhandle's obligation to deliver natural gas

to Ohio Fuel to a volume not in excess of 25 million cubic feet per day.

(g) Subsequently on March 17, 1948, Panhandle filed with the Commission Supplement No. 9 to its Rate Schedule FPC No. 108 by which it proposes to cancel and terminate the provisions of such Rate Schedule FPC No. 108 relating to deliveries in excess of 25 million cubic feet per day. Such supplement is proposed to be made effective as of April 16, 1948.

(h) After notice of Panhandle's proposed termination and cancellation of the provisions of its Rate Schedule FPC No. 108 relating to deliveries to Ohio Fuel in excess of 25 million cubic feet per day had been given to interested parties, protests against such termination and cancellation were received by the Commission from Ohio Fuel and the City of Toledo, Ohio. Copies of these protests have been transmitted to Panhandle by Ohio Fuel and the City of Toledo, Ohio.

(i) The change in conditions of service as would be effected by the aforesaid Supplement No. 9 to Panhandle's Rate Schedule FPC No. 108 may be unjust, unreasonable, unduly discriminatory, and unlawful and place an undue burden upon ultimate consumers of natural gas.

(j) The change in conditions of service as would be effected by the aforesaid Supplement No. 9 to Panhandle's Rate Schedule FPC No. 108, may constitute an undue prejudice or disadvantage to Ohio Fuel and undue preference or advantage to Panhandle's other customers, and may constitute an unreasonable difference in service between localities served by Panhandle.

(k) The cancellation and termination of Panhandle's existing service obligations to Ohio Fuel which would be effected by the aforesaid Supplement No. 9 to Panhandle's Rate Schedule FPC No. 108 may be contrary to the intent and purpose of Paragraph (B) of the Commission's order of March 31, 1945, "In the Matter of Panhandle Eastern Pipe Line Company, Docket No. G-620, 4 FPC 263, 273, and may violate the provisions of Section 7 of the Natural Gas Act.

(l) In its "Order for Inquiry and Investigation Under Sections 5, 14 and 16 of the Natural Gas Act and Fixing Date for Hearing," "In the Matter of Panhandle Eastern Pipe Line Company, et al., Docket No. G-1023, issued March 23, 1948, the Commission, referring to Panhandle's proposal to cancel and terminate the provisions of its Rate Schedule FPC No. 108 relating to deliveries to Ohio Fuel in excess of 25 million cubic feet of natural gas per day stated that the:

* * * question is thereby raised as to the volume of natural gas Panhandle is to deliver to Ohio Fuel on and after April 16, 1948;

(m) Good cause exists for consolidating the hearing hereinafter ordered with the hearing "In the Matter of Panhandle Eastern Pipe Line Company, et al., "Docket No. G-1023, which commenced on April 7, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., and which is now in progress.

Wherefore, in view of the foregoing, the Commission finds that:

(1) It is necessary and desirable in the public interest that a public hearing be held (1) concerning the lawfulness of the changes in conditions of service which would be effected by the aforesaid Supplement No. 9 to Panhandle's Rate Schedule FPC No. 108 and (2) to determine whether or not the public convenience and necessity permit the termination of deliveries by Panhandle to Ohio Fuel in excess of 25 million cubic feet of natural gas per day.

(2) Pending such hearing and determination it is necessary and desirable in the public interest that the operation of Supplement No. 9 to Panhandle's Rate Schedule FPC No. 108 be suspended and the use thereof deferred.

The Commission orders that:

(A) Concurrently with the hearing "In the Matter of Panhandle Eastern Pipe Line Company, et al., "Docket No. G-1023, which commenced on April 7, 1948, and which is now in progress in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., a public hearing be held (1) concerning the lawfulness of the changes in conditions of service which would be effected by Supplement No. 9 to Panhandle's Rate Schedule FPC No. 108 and (2) to determine whether or not the public convenience and necessity permit the termination of deliveries by Panhandle to Ohio Fuel in excess of 25 million cubic feet of natural gas per day. Such proceedings be and they are hereby consolidated for purposes of hearing.

(B) The proceedings "In the Matter of Panhandle Eastern Pipe Line Company," Docket No. G-620, be reopened for the purpose of determining whether paragraph (B) of the Commission's order of March 31, 1945, issuing a certificate of public convenience and necessity to Panhandle should be modified.

(C) Pending such hearing and decision thereon Supplement No. 9 to Panhandle Eastern Pipe Line Company Rate Schedule FPC No. 108 insofar as such supplement provides for the sale of natural gas other than for resale for industrial use only be and it is hereby suspended and the use of such supplement is deferred until September 16, 1948, and until such further time thereafter as it shall be made effective in the manner prescribed by the Natural Gas Act.

(D) Interested State Commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: April 15, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-3486; Filed, Apr. 20, 1948; 8:45 a. m.]

[Docket No. G-1021]

NORTHERN NATURAL GAS CO.

NOTICE OF OPINION NO. 164 AND ORDER

APRIL 15, 1948.

Notice is hereby given that, on April 14, 1948, the Federal Power Commission issued its Opinion No. 164 and Order entered April 13, 1948, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-3481; Filed, Apr. 20, 1948; 8:46 a. m.]

[Docket No. G-1025]

WEST TEXAS GAS CO.

NOTICE OF APPLICATION

APRIL 14, 1948.

Notice is hereby given that on March 29, 1948, West Texas Gas Company (Applicant) a Delaware corporation with its principal place of business at Lubbock, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission described as follows:

(1) Install one 400 BHP gas-engine driven compressor unit at Applicant's McSpadden Compressor Station in addition to the two 400 BHP units for which a certificate has been requested at Docket No. G-1005.

(2) Install "Turboflow" cylinder heads on the twelve power cylinders of the three existing 400 BHP units at the McSpadden Compressor Station increasing the horsepower at said station by 10 per cent and reducing fuel consumption by 15 per cent.

(3) Install one 300 BHP gas engine driven compressor unit at Applicant's Plainview Compressor Station increasing installed compressor capacity to 2400 BHP

Applicant states the proposed facilities are necessary to provide standby units at its McSpadden and Plainview Compressor Stations, in order to insure continuous service during periods of mechanical failure; and to provide facilities increasing the horsepower of the three 400 BHP units described in paragraph (2) above and decreasing the fuel consumption there at by 15 per cent, which facilities will be in lieu of reductions of compressor cylinder size from 9¼ inches to 8½ inches as outlined in the application filed by it at Docket No. G-1005.

Applicant further states that the estimated total over-all capital cost of the proposed facilities is $99,022, the financing of which will be made from cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such a request.

The application of West Texas Gas Company is on file with the Commission and open to public inspection. Any per-

son desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947 (18 CFR 1.8 or 1.10))

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3485; Filed, Apr. 20, 1948; 8:47 a. m.]

[Docket Nos. E-6127, E-6128]

NORTHWESTERN PUBLIC SERVICE CO. AND OTTER TAIL POWER CO.

NOTICE OF ORDERS AUTHORIZING AND APPROVING ISSUANCE OF BONDS AND PROMISSORY NOTES

APRIL 15, 1948.

Notice is hereby given that, on April 13, 1948, the Federal Power Commission issued its orders entered April 13, 1948, authorizing and approving issuance of bonds and promissory notes in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3482; Filed, Apr. 20, 1948; 8:46 a. m.]

[Docket No. E-6129]

IDAHO POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

APRIL 15, 1948.

Notice is hereby given that, on April 14, 1948, the Federal Power Commission issued its order entered April 14, 1948, authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3483; Filed, Apr. 20, 1948; 8:46 a. m.]

CONSOLIDATED GAS, ELECTRIC LIGHT AND POWER CO. OF BALTIMORE

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIED IN ACCOUNTS 100.5 AND 107

APRIL 15, 1948.

Notice is hereby given that, on April 14, 1948, the Federal Power Commission issued its order entered April 13, 1948, approving and directing disposition of amounts in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3484; Filed, Apr. 20, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1031]

GULF STATES UTILITIES CO.

ORDER GRANTING PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of April A. D. 1948.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Gulf States Utilities Company, 362 Liberty Avenue, Beaumont, Texas.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 1,909,968 shares outstanding, 473,040 shares are owned by 1,874 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 116 transactions involving 16,754 shares from August 1, 1947 to October 31, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Gulf States Utilities Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-3486; Filed, Apr. 20, 1948; 8:50 a. m.]

[File No. 16-1A22-1]

DEWITT INVESTMENT CO. AND NATIONAL ASSN. OF SECURITIES DEALERS, INC.

ORDER SETTING ASIDE DENIAL OF MEMBERSHIP AND DIRECTING ADMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of April A. D. 1948.

In the matter of the application of The DeWitt Investment Company, (Wilmington, Delaware) for membership in the National Association of Securities Dealers, Inc., File No. 16-1A22-1.

The National Association of Securities Dealers, Inc., a national securities association registered pursuant to section 15A of the Securities Exchange Act of 1934, having denied the application for membership made to it by The DeWitt Investment Company, a Delaware corporation;

The DeWitt Investment Company having filed a petition requesting relief in the alternative pursuant to section 15A (b) (4) or section 15A (h) (3) of the Securities Exchange Act of 1934, and seeking an order directing its admission to membership in said Association;

A hearing having been held after appropriate notice and the Commission having considered the record before the said Association and before the Commission;

The Commission having been duly advised in the premises and having determined that the specific grounds on which said denial was based do not exist in fact and are not valid as is more fully set forth in its findings and opinion issued this day; on the basis of said findings and opinion;

It is ordered, That the petition in so far as it requests an order directing petitioner's admission to the said Association pursuant to section 15A (b) (4) of the said act be, and hereby is, dismissed; and

It is further ordered, That, pursuant to section 15A (h) (3) of the said act, the action of the said Association in denying membership to The DeWitt Investment Company is set aside, and that the said Association be, and hereby is, required to admit The DeWitt Investment Company to membership.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-3483; Filed, Apr. 20, 1948; 8:48 a. m.]

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT AND RAILWAYS CO. AND AMERICAN LIGHT & TRACTION CO.

SUPPLEMENTAL ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 14th day of April A. D. 1948.

The Commission by order dated December 30, 1947, having approved the plan, designated as application No. 31, as amended, filed, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), by The United Light and Railways Company ("Railways") and American Light & Traction Company ("American Light"), registered holding companies, which provided, inter alia, for the distribution and transfer by Railways, quarterly during 1948, to its common stockholders, as

dividends in kind, of shares of the common stock of American Light of the par value of $25 per share, at the rate of one share of such common stock of American Light for each 50 shares of common stock of Railways owned (together with cash in lieu of fractional shares) and said order of December 30, 1947 having recited, among other things, that the distribution and transfer by Railways to its common stockholders, as dividends in kind, of such common stock of American Light at the aforesaid rate are necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and the Commission having in said order reserved jurisdiction, inter alia, to take such further action and to enter such further orders as may be deemed appropriate in connection with the plan, the transactions incident thereto and the consummation thereof, and as may be necessary to secure full compliance with the act; and

The Board of Directors of Railways having declared a dividend on the outstanding common stock of the company, payable April 19, 1948 to stockholders of record at the close of business on March 25, 1948, in shares of common stock of the par value of $25 per share of American Light, at the rate of one share of such common stock of American Light for each 50 shares of the common stock of Railways outstanding on the record date (together with cash in lieu of fractional shares) such dividend having been declared pursuant to said section 11 (e) plan and the Commission's order entered December 30, 1947 approving the same; and

Railways having requested the Commission to issue a supplemental order with respect to the said dividend distribution, conforming to the requirements of section 1808 (f) and supplement R of the Internal Revenue Code, as amended; and the Commission deeming it appropriate to grant such request:

It is hereby ordered and recited, That the distribution and transfer by Railways on April 19, 1948, to its common stockholders, as a dividend in kind, of 61,127 shares of common stock of American Light of the par value of $25 per share (out of Certificate No. NX-2951J) all as contemplated by the amended plan and the Commission's order of December 30, 1947, approving said plan, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and are hereby authorized and approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-3491; Filed, Apr. 20, 1948; 8:49 a. m.]

[File No. 70-1665]

CENTRAL POWER AND LIGHT CO.

ORDER DENYING DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 14th day of April A. D. 1948.

The Commission having on December 8, 1947, issued its findings and opinion and order in this matter permitting, among other things, the issue and sale by Central Power and Light Company ("Central") of $6,000,000 principal amount of First Mortgage Bonds, Series B ____% due 1977, and 40,000 shares of $100 par value, ____% Cumulative Preferred Stock, subject to the condition that the said sale of the aforementioned bonds and preferred stock should not be consummated until the results of competitive bidding, pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions, as may then be deemed appropriate; and

The company having filed an amendment on December 16, 1947 herein stating that the First Mortgage Bonds and Cumulative Preferred Stock were offered for sale pursuant ot the competitive bidding requirements of Rule U-50, that seven bids were submitted for the bonds and that the company accepted a bid for the bonds but that no bids were received for the preferred stock, and the Commission having on December 17, 1947 issued its Supplemental Order pursuant to Rule U-50 releasing the jurisdiction heretofore reserved with respect to the results of competitive bidding in connection with the sale of the bonds, but continuing the jurisdiction heretofore reserved with respect to the sale of the preferred stock; and

Central having now filed a further amendment stating that the company has entered into a contract with a group of underwriters pursuant to which the said preferred stock would be sold at par to the company and to the public, would bear a dividend rate of 5% and providing for an underwriting compensation of $5 per share, and said amendment having requested approval of said contract and an exemption from the competitive bidding requirements of Rule U-50; and

A public hearing having been held with respect to said amendment and the matter having been presented to the Commission upon oral argument, and the Commission having considered said record and the Commission finding that adverse findings under the standards of section 7 of the Public Utility Holding Company Act of 1935 are required with respect to said declaration, as amended, and deeming it appropriate to deny effectiveness to the declaration as amended, and, in the light of the exigencies of time presented by the underwriting commitment, the Commission deeming it appropriate to issue its order prior to the filing of its findings and opinion;

It is hereby ordered, That the declaration as amended, be, and the same hereby is, denied.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 48-3492; Filed, Apr. 20, 1948; 8:49 a. m.]

[File No. 70-1769]

GENERAL PUBLIC UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of April A. D. 1948.

General Public Utilities Corporation ("GPU") a registered holding company, having filed a declaration, and amendments thereto, pursuant to the provisions of sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") wherein it proposes to issue and sell unsecured promissory notes to four commercial banks in an aggregate amount not in excess of $8,000,000. The notes will be issued from time to time over a period of 12 months from, and will mature two years after, the date of this Commission's order permitting the declaration, as amended, to become effective. Each of the notes will bear an interest rate of 2⅛% per annum and GPU will pay a commitment fee at the rate of one-half of one percent per annum on the unutilized balance of the amounts which the banks are committed to lend it; and

The Commission having considered the record and having entered its findings and opinion herein, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declaration, as amended, to become effective, and to grant a request of the declarant that the effective date of the order be the date upon which this order is entered:

It is hereby ordered, Pursuant to the provisions of sections 6 (a) and 7 of the act, that the declaration, as amended, be and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-3495; Filed, Apr. 20, 1948; 8:50 a. m.]

[File No. 70-1784]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND WORCESTER GAS LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 14th day of April 1948.

New England Gas and Electric Association ("New England"), a registered holding company, and its subsidiary, Worcester Gas Light Company, having filed a joint application-declaration pursuant to sections 6 (b) 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 with respect to the transactions summarized below:

New England presently owns all of the outstanding common stock of Worcester. Worcester proposes to issue and sell to New England 39,400 additional shares of common stock having a par

value of $25 per share, at a price of $25 per share, aggregating $985,000, as fixed by the Board of Directors and approved by the Massachusetts Department of Public Utilities. Worcester will apply the proceeds to the payment of $985,000 principal amount of its outstanding indebtedness represented by serial notes, second series, due 1971, held by New England, and thereupon the serial notes, second series, will be retired. New England as owner of all the presently outstanding common stock will exercise its preemptive right to acquire the additional common stock proposed to be issued.

The proposed issue and sale of securities by Worcester was approved by the Department of Public Utilities of Massachusetts, by order dated March 8, 1948.

Said joint application-declaration having been filed on March 19, 1948 and notice of filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24 that the joint application-declaration be, and hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-3494; Filed, Apr. 20, 1948; 8:49 a. m.]

[File No. 70-1796]

WEST TEXAS UTILITIES CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of April A. D. 1948.

Notice is hereby given that a declaration and an amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by West Texas Utilities Company, ("Texas") a public utility subsidiary of Central and South West Corporation, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration, as amended, which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Texas proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $5,000,000 principal amount of First Mortgage Bonds, __% Series B, to be dated March 1, 1948, due 1978 which are to be issued under and secured by the company's existing Indenture Mortgage and Deed of Trust dated as of August 1, 1943, as supplemented by a proposed Supplemental Indenture to be dated as of March 1, 1948. Declarant states that the proceeds from the sales of the proposed Series B Bonds will be used to provide a portion of the cash required to finance a construction program estimated to cost approximately $8,000,000 for 1948 and 1949, in addition to $3,758,000 expended during 1947.

Declarant states that the proposed issue and sale of the Series B Bonds is not subject to the jurisdiction of any state commission.

It is ordered, That a hearing on said declaration, as amended, pursuant to the applicable provisions of the act and the rules and regulations thereunder be held on April 27, 1948, at 10:00 a. m., e. s. t. or e. d. s. t., whichever is then in effect, at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing shall be held.

It is further ordered, That Allen MacCullen, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration, as amended, and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether, in the light of the construction and financing program of the declarant and other companies in the same holding company system for the years 1948–1950, inclusive, the proposed Series B Bonds are reasonably adapted to the security structure of the declarant and other companies in the same holding company system and to the earning power of the declarant.

2. Whether the proposed financing by the issue and sale of the Series B Bonds is necessary or appropriate to the economical and efficient operation of the business in which the declarant is lawfully engaged.

3. Whether the fees, commissions, or other renumerations to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

4. Whether the accounting entries to be made in connection with the proposed transactions are proper and are in accordance with sound accounting principles.

5. Whether any terms and conditions are necessary with respect to the proposed issue and sale of Series B Bonds in order to assure compliance with the conditions specified in section 7 of the act.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission, on or before April 23, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice, stating the nature of his interest, which of the foregoing matters and questions he desires to controvert, and what additional matters and questions, if any, he deems are raised by the said declaration, as amended.

It is further ordered, That notice of said hearing be given to West Texas Utilities Company and Central and South West Corporation, and to all other interested persons, said notice to be given to West Texas Utilities Company, and to Central and South West Corporation, by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-3483; Filed, Apr. 20, 1948; 8:48 a. m.]

[File No. 70-1810]

COLUMBIA GAS & ELECTRIC CORP. AND ATLANTIC SEABOARD CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 14th day of April 1948.

Notice is hereby given that a joint declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Columbia Gas & Electric Corporation ("Columbia") a registered holding company, and its wholly owned subsidiary, Atlantic Seaboard Corporation ("Seaboard") also a registered holding company and a gas utility company. Declarants designate section 12 (b) of the act and Rule U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 30, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Sec-

ond Street NW., Washington 25, D. C. At any time after April 30, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Columbia proposes to make a capital contribution to Seaboard of $1,450,000 in cash. Seaboard, in turn, will make capital contributions to its own wholly-owned subsidiaries in the following amounts, respectively: Amere Gas Utilities Company, $375,000; Virginia Gas Distribution Corporation, $275,000; and Virginia Gas Transmission Corporation, $200,000.

The cash contributed, including the balance of $600,000 retained by Seaboard, will be used by the recipients to finance, in part, their respective construction programs during 1948.

Declarants request that the Commission's order permitting the joint declaration to become effective be issued as soon as possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-3490; Filed, Apr. 20, 1948; 8:48 a. m.]

[File No. 70-1812]

NEW JERSEY POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 14th day of April 1948.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New Jersey Power & Light Company ("New Jersey") a public utility subsidiary of General Public Utilities Corporation, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than April 26, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C. At any time after April 26, 1948 said declaration, as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Declarant proposes to issue and sell for cash at principal amount to commercial banks unsecured promissory notes in the aggregate principal amount of $500,000 which will bear interest at the rate of 2% per annum and mature not in excess of six months. The proceeds of the sale of the notes are to be used to carry on the company's construction program pending permanent financing.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order so as to permit consummation of the proposed transaction, as early as possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-3493; Filed, Apr. 20, 1948; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10972]

ANTONIE AND KARL ZELLER

In re: Stock owned by Antonie Zeller and Karl Zeller.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Antonie Zeller and Karl Zeller, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: Five (5) shares of capital stock of Thirty-four Thirty-six Broadway Building Corporation, c/o Henry P Kransz Company, 29 South LaSalle Street, Chicago, Illinois, evidenced by certificate number P-125, registered in the name of Estate of Pauline Zeller, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Antonie Zeller and Karl Zeller, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-3507; Filed, Apr. 20, 1948; 8:54 a. m.]

[Vesting Order 10984]

CHARLES F. GROTH

In re: Estate of Charles F. Groth, deceased. File D-28-8876; E. T. sec. 11021.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna (Stabnow) Stabenow and William Klage, Sr., whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the sum of $1,174.42 was paid to the Alien Property Custodian by Emil P. Hass, Executor of the Estate of Charles F Groth, deceased;

3. That the said sum of $1,174.42 was accepted by the Alien Property Custodian on November 26, 1945, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $1,174.42 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-3508; Filed, Apr. 20, 1948; 8:54 a. m.]

[Vesting Order 10992]

LILLIAN GIBSON LINGENFELDER

In re: Estate of Lillian Gibson Lingenfelder, deceased. File No. D-28-8936; E. T. sec. 11174.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Lingenfelder, Anna Roeder, Margarete Meyer, Katharina Sherer, Adolf Lingenfelder and Maria Lemźke Whn, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in sub-paragraph 1 hereof in and to the Estate of Lillian Gibson Lingenfelder, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by C. E. Warner, as Ancillary Administrator, c. t. a., acting under the judicial supervision of the Probate Court of Hennepin County, Minnesota;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3509; Filed, Apr. 20, 1948; 8:54 a. m.]

[Vesting Order 9865, Amdt.]

AUTOMOBILE OWNED BY GERMANY

In re: One (1) automobile owned by Germany.

Vesting Order 9865, dated September 24, 1947, is hereby amended as follows and not otherwise:

By adding to the description set forth with respect to one (1) Horch 7 passenger 1939 Sedan, in subparagraph 1 of the aforesaid Vesting Order 9865 the following:

Together with all accessories, equipment and spare parts including particularly but not limited to the following:

1 disc plate.
1 clutch disc.
1 fuel pump.
1 shock absorber.
1 drive shaft, right rear.
1 drive shaft, left rear.
2 brackets.
1 knuckle pin.
1 water pump shaft.
1 jack ram.
2 emblem rods.
1 hose, hydraulic.
8 engine valves.
3 bushings.
1 drag link seat.
2 drag link balls.
20 valve springs.
1 coil spring.
1 king pin set (4 pieces).
1 lot gaskets.
2 spare tires and wheels.
1 demountable trunk containing two pieces of luggage form fitted to trunk.
1 set tools.
1 canvas auto cover.

All other provisions of said Vesting Order 9865 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3520; Filed, Apr. 20, 1948; 8:56 a. m.]

[Vesting Order 10990]

GUSTAVE (GUSTAV) WINKLER

In re: Estate of Gustave (Gustav) Winkler, deceased. File No. D-55-365; E. T. sec. 3340.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ottillie Erdmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Gustave (Gustav) Winkler, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by the Clerk of Orphans' Court of Allegheny County, as depositary, Pittsburgh, Pennsylvania, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-3510; Filed, Apr. 20, 1948; 8:54 a. m.]

[Vesting Order 11001]

KATSUYE FUJII

In re: Bonds owned by Katsuye Fujii. F-39-1500-A-1, F-39-1500-A-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katsuye Fujii, whose last known address is Hatsukaichi, Saiki-gun, Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: Ten (10) Tokyo Dento Kabushiki Kaisha, Japan, 6% Gold Dollar Bonds due June 15, 1953, of $1,000 face value each, bearing the numbers 3571, 3572, 8360, 12125, 12856, 17320, 17321, 17324, 17707 and 17708, each bond with coupons numbered 27 to 50, inclusive, ASCA, presently in the custody of George S. Fujii, doing business as Fujii Junichi Shoten,

120 North Hotel Street, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Katsuye Fujii, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3511; Filed, Apr. 20, 1948; 8:55 a. m.]

[Vesting Order 11002]

MIKIE FUJIKAWA

In re: Bonds owned by Mikie Fujikawa. F-39-1505-A-1, F-39-1505-A-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mikie Fujikawa, whose last known address is Ono-mura, Saiki-gun, Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: Ten (10) Tokyo Dento Kabushiki Kaisha, Japan, 6% Gold Dollar Bonds due June 15, 1953, of $1,000 face value each, bearing the numbers 54864, 57574, 57575, 57576, 57577, 63973, 67537, 68045, 68198 and 68200, each bond with coupons numbered 27 to 50, inclusive, ASCA, presently in the custody of George S. Fujii, doing business as Fujii Junichi Shoten, 120 North Hotel Street, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mikie Fujikawa, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-3512; Filed, Apr. 20, 1948; 8:55 a. m.]

[Vesting Order 11007]

GEORG B. KAUFMANN AND GERTRUDE KAUFMAN

In re: Stock owned by Georg B. Kaufmann and stock and a bond owned by Gertrude Kaufman. F-28-303-D-1/2, F-28-26007-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg B. Kaufmann and Gertrude Kaufman, each of whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. One hundred sixty (160) shares of $1.00 par value common capital stock of Cleveland-Sandusky Brewing Corporation, 2764 East 55th Street, Cleveland 4, Ohio, evidenced by certificates numbered 307 for one hundred (100) shares and 308 for sixty (60) shares, registered in the name of Georg B. Kaufmann, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Georg B. Kaufmann, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows:

a. One hundred sixty (160) shares of $1.00 par value common capital stock of Cleveland-Sandusky Brewing Corporation, 2764 East 55th Street, Cleveland 4, Ohio, evidenced by certificates numbered 597 for one hundred (100) shares and 598 for sixty (60) shares, registered in the name of Mrs. Gertrude Kaufman, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation evidenced by a Certificate of Deposit for First and Refunding Mortgage 5% Bonds, Series A, of Florida East Coast Railway Company, said Certificate of Deposit, issued by the Committee of the Depositors of Florida East Coast Railway Co., 23 Wall Street, New York, New York, bearing the number 193, of $500.00 face value, registered in the name of Mrs. Gertrude Kaufman, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation and any and all rights in, to and under the aforementioned certificate of deposit,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gertrude Kaufman, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3513; Filed, Apr. 20, 1948; 8:55 a. m.]

[Vesting Order 11009]

TETSUEI AND YOICHI KIYOHARA

In re: Bank account owned by Tetsuei Kiyohara and bonds owned by Tetsuei Kiyohara and Yoichi Kiyohara. D-39-17978-E-1, D-39-17978-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tesuei Kiyohara and Yoichi Kiyohara, whose last known address is Japan, are residents of Japan and national of a designated enemy country (Japan)

2. That the property described as follows:

a. That certain debt or other obligation owing to Tetsuei Kiyohara, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 163278, entitled Tetsuei Kiyohara, and any and all rights to demand, enforce and collect the same,

b. Nine Oriental Development Company, Limited, Japan, External Loan Thirty-Year 5½% Bearer Gold Bonds due November 1, 1958, of $1,000 face value each, bearing numbers M 3261, M 3262, M 3263, M 3264, M 12154, M 6731, M 6732, M 6733, and M 6734, each bond with Coupon Number 27, due May 1942, ASCA, presently in the custody of the Treasury Department, Territory of Hawaii, Honolulu, T. H., together with any and all rights thereunder and thereto, and

c. Nine coupons numbered 26, due November 1, 1941, detached from Oriental Development Company, Limited, Japan, External Loan Thirty-Year 5½% Bearer Gold Bonds, more fully described in subparagraph 2-b hereof, presently in the custody of the Treasury Department, Territory of Hawaii, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tetsuei Kiyohara, the aforesaid national of a designated enemy country (Japan),

3. That the property described as follows: One United States of America Defense Savings Bond, Series E, of $25 face value, issued June 11, 1942, bearing the number Q21917165E, registered in the name of Yoichi Kiyohara, presently in the custody of the Treasury Department, Territory of Hawaii, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yoichi Kiyohara, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3514; Filed, Apr. 20, 1948; 8:55 a. m.]

[Vesting Order 11012]

DEUTSCHE REICHSBANK

In re: Obligations owned by Deutsche Reichsbank, also known as Reichsbank and as Reichsbankdirektorium. F-28-1282-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Reichsbank, also known as Reichsbank and as Reichsbankdirektorium, the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation evidenced by a check numbered 710,600, dated July 1, 1940, drawn by Laurel Hall on American National Bank and Trust Company of Chicago in the amount of $6.87 payable to Edward Fishback and Deutschen Zentralgenossenschaftskasse and Elsassiche Volksbarr, presently in the custody of the Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt, and

b. That certain debt or other obligation, evidenced by a check drawn on First National Bank of Chicago, dated September 14, 1940, payable to Emil or Lina Ludwig, representing payment of $645.18 liquidating dividend of The Albany Park National Bank and Trust Company of Chicago on claim 2,829, presently in the custody of the Supervising Receiver, Division of Insolvent National Banks, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Reichsbank, also known as Reichsbank and as Reichsbankdirektorium, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3515; Filed, Apr. 20, 1948; 8:55 a. m.]

[Vesting Order 11015]

SABURO UYEHARA

In re: Debts owing to Saburo Uyehara. D-39-1406-C-1, D-39-1406-E-1, D-39-19145-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saburo Uyehara, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows:

a. All those debts or other obligations owing to Saburo Uyehara, by Harry K. Uyehara, also known as Kamechiyo Uyehara and as Harry Uyehara, including particularly but not limited to a portion of the sum of money on deposit with Bishop National Bank of Hawaii at Honolulu, Honolulu, T. H., in a savings account, Account Number 12076, entitled Harry Uyehara, maintained at the branch office of the aforesaid bank located at King and Smith Streets, Honolulu, T. H., and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Saburo Uyehara, by Karl W Greene, Katherine C. Serpas, Wilfred J. Serpas, Trustees for the Creditors and Stockholders of Pacific Bank in Dissolution, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, evidenced by Receiver's Liability Number 8753, in the name of Saburo Uyehara, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-3516; Filed, Apr. 20, 1948; 8:55 a. m.]

[Vesting Order 11017]

MARIE THERESE YOSHIMOTO

In re: Stock owned by Marie Therese Yoshimoto. D-39-17744-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Therese Yoshimoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: Sixty (60) shares of no par value common capital stock of The Greyhound Corporation, 2600 Board of Trade Building, Chicago, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 138596, registered in the name of Bosworth & Co., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-3517; Filed, Apr. 20, 1948; 8:55 a. m.]

[Vesting Order 11022]

WICHARD WILLIAM GOEBEL

In re: Estate of Wichard William Goebel, also known as Wichard Goebel, deceased. File No. D-28-11511, E. T. sec. 15744.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ella Bergholz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Wichard William Goebel, also known as Wichard Goebel, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by the Public Administrator of Queens County, as Administrator, acting under the judicial supervision of the Surrogate's Court of Queens County, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-3518; Filed, Apr. 20, 1948; 8:56 a. m.]

[Vesting Order 11075]

ANNA LOUISE FRYSIG

In re: Estate of Anna Louise Frysig, deceased. File D-28-12182; E. T. sec. 16393.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Braun, George Braun, also known as Georg Braun and Kathrina Braun, also known as Katharina Ellmauer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Anna Louise Frysig, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Mrs. Barbara Valentine, as administratrix c. t. a., acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as

nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 12, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-3519; Filed, Apr. 20, 1948; 8:55 a. m.]